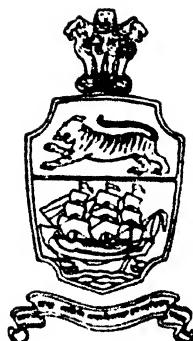


Volume XXII



COUNCIL DEBATES

Official Report

West Bengal Legislative Council

Twentysecond Session

(September, 1960)

5th September, 1960

Published by authority of the Council under Rule 116 of the West Bengal
Legislative Council Procedure Rules.

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Editor of Debates Shri ANIL CHANDRA CHATARJEA.

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A

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- (2) Abdullah Rasul, Shri [Elected by M.L.As.]
- (3) Acharyya, Shri Snehangshu Kanta. [Elected by M.L.As.]

B

- (4) Bagchi, Shri Nirmalya. [West Bengal (Graduates).]
- (5) Banerjee, Shri Sachindra Nath. [Calcutta (Teachers).]
- (6) Banerjee, Dr. Sambhu Nath. [Nominated.]
- (7) Banerjee, Dr. Srikumar. [Nominated.]
- (8) Basu, Shri Bijay Bihary. [Calcutta (Teachers).]
- (9) Basu, Shri Gurugobinda. [Nominated.]
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- (11) Bhattacharyya, Shri Nagendra Kumar. [West Bengal East
(Local Authorities).]
- (12) Bhattacharyya, Shri Nirmal Chandra. [Calcutta (Graduates).]
- (13) Bhattacharyya, Shri Santosh Kumar. [Calcutta (Teachers).]
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- (16) Bose, Shri Aurobindo. [Elected by M.L.As.]

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- (25) Choudhuri, Shri Annada Prosad. [West Bengal West (Local
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- (26) Choudhury Shri Birendra Nath. [West Bengal Central
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D

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- (30) Debi, Shrimati Anila. [West Bengal (Teachers).]
- (31) Dutt, Shrimati Labanyaaprova. [Nominated.]

ALPHABETICAL LIST OF MEMBERS

v

G

- (32) Ghose, Shri Kali Charan. [West Bengal Central (Local Authorities).]
- (33) Ghosh, Shri Ashutosh [Elected by M.L.As.]
- (34) Goswami, Shri Kanailal. [West Bengal Central (Local Authorities).]
- †(35) Guha Ray, Dr. Pratap Chandra. [Elected by M.L.As.]
- (36) Gupta, Shri Manoranjan. [Elected by M.L.As.]

H

- (37) Halder, Shri Gopal Chandra. [Calcutta (Graduates).]
- (38) Hazra, Shri Gajendra Nath. [West Bengal West (Local Authorities).]

J

- (39) Jha, Shri Pashu Pati . [West Bengal East (Local Authorities).]

M

- (40) Maliah, Shri Pashupati Nath. [West Bengal West (Local Authorities).]
- (41) Misra, Shri Sachindra Nath. [West Bengal North (Local Authorities).]
- (42) Mohammad Jan, Shri Shaikh. [Nominated.]
- (43) Mohammad Sayeed Mia, Shri. [Elected by M.L.As.]
- (44) Moitra, Shri Dharendra Nath. [West Bengal North (Local Authorities).]
- (45) Moitra, Shri Mohit Kumar. [West Bengal South (Local Authorities).]
- (46) Mookerjee, Shri Kali Pada. [West Bengal South (Local Authorities).]
- (47) Mookerjee, Shri Kamala Charan. [Elected by M.L.As.]
- (48) Mozumder, Shri Harendra Nath. [West Bengal South (Local Authorities).]
- (49) Mukherjee, Shri Biswanath. [Elected by M.L.As.]
- (50) Mukherjee, Shri Kamada Kinkar. [Elected by M.L.As.]
- (51) Mukherjee, Shri Sudhindra Nath. [West Bengal Central (Local Authorities).]
- (52) Musharruf Hossain, Shri. [Nominated.]

N

- (53) Nausher Ali, Shri Syed. [Elected by M.L.As.]

P

- (54) Pakrashi, Shri Satish Chandra. [Elected by M.L.As.]
- (55) Paul, Shri Suresh Chandra. [West Bengal South (Local Authorities).]
- (56) Poddar, Shri Badri Prasad. [Nominated.]
- (57) Prasad, Shri R. S. [West Bengal North (Local Authorities).]
- (58) Prodhan, Shri Lakshman. [Elected by M.L.As.]

R

- (59) Rai Choudhuri, Shri Mohitosh. [Elected by M.L.As.]
- (60) Rezaul Karim, Shri [Elected by M.L.As.]
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- (63) Roy, Shri Surendra Kumar. [West Bengal West (Local Authorities).]

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- (64) Saha, Shri Jogindralal. [West Bengal South (Local Authorities).]
- (65) Sanyal, Dr. Charu Chandra. [West Bengal (Graduates).]
- (66) Sanyal, Shri Sasanka Sekhar. [West Bengal East
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- (67) Saraogi, Shri Pannalal. [Nominated.]
- (68) Sarkar, Shri Nrisingha Prosad. [West Bengal East (Local
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- (69) Sen, Shri Jimut Bahal. [Elected by M.L.As]
- (70) Sen Gupta, Shri Dwijendralal [Elected by M.L.As.]
- (71) Sen Gupta, Shri Monoranjan. [West Bengal (Teachers).]
- (72) Shahedullah, Shri Syed. [West Bengal West (Local Authorities).]
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- (74) Singha, Shri Biman Behari Lall. [West Bengal West (Local
Authorities).]
- (75) Sinha, Shri Rabindralal. [West Bengal Central (Local Authorities).]

COUNCIL DEBATES

Monday, the 5th September, 1960

The Council met in the Legislative Chamber of the Legislative Buildings, Calcutta, on Monday, the 5th September, 1960, at 9 a.m. being the First day of the Twenty second Session, under the Constitution of India.

Mr. Chairman (the Hon'ble Dr. Suniti Kumar Chatterji)
was in the Chair.

[9—9-10 a.m.]

Panel of Presiding Officers

Mr. Chairman : According to the provisions of rule 7 of the West Bengal Legislative Council Procedure Rules I nominate the following members of the Council to form a Panel of Presiding Officers for the current session :—

- (1) Shri Rabindralal Sinha.
- (2) Shri Annada Prosad Chowdhuri.
- (3) Shri Nirmal Chandra Bhattacharyya.
- (4) Shrimati Labanyaaprova Dutt.

Mr. Chairman : There will be no questions.

Laying of Ordinances

The Calcutta Municipal (Secend Amendment) Ordinance, 1960

The Hon'ble Iswar Das Jalan : Sir, I beg to lay before the Council the Calcutta Municipal (Second Amendment) Ordinance, 1960 (West Bengal Ordinance No. V of 1960), under Article 213.2(a) of the Constitution of India.

**The West Bengal Estates Acquisition (Amendment)
Ordinance, 1960**

The Hon'ble Dr. Bidhan Chandra Roy : Sir, I beg to lay before the Council the West Bengal Estates Acquisition (Amendment) Ordinance, 1960 (West Bengal Ordinance No. VI of 1960), under Article 213(2)(a) of the Constitution of India.

Shri Nagendra Kumar Bhattacharyya : Sir, before the matter is taken up for consideration I beg to submit that we have got very insufficient notice of this Bill. As a matter of fact, no Bill was sent to our address.

The Hon'ble Dr. Bidhan Chandra Roy : We are only laying the Ordinances.

**The West Bengal Alienation of Land (Regulation)
Ordinance, 1960**

The Hon'ble Dr. Bidhan Chandra Roy : Sir, I beg to lay before the Council the West Bengal Alienation of Land (Regulation) Ordinance, 1960 (West Bengal Ordinance No. VII of 1960), under Article 213(2)(a) of the Constitution of India.

Special Motion

The Hon'ble Kali Pada Mookerjee : Sir, it is with a feeling of anguish and deep sense of sorrow that I rise to move the resolution that stands in my name.

Sir, I move that—

Whereas there has been mob violence in Assam during the past few weeks, resulting in destruction of property and life and in people being forced to leave their homes and either to take shelter in Camps in Assam or to migrate to West Bengal ; and

Being convinced that the actions of the mob in Assam have created a new class of refugees in the Indian Union and are in direct violation of the fundamental rights of citizens guaranteed under the Constitution of India ; and

Realising that as a result of these violent incidents in Assam, there has been created a sense of insecurity particularly in the minds of the Bengalees resident in Assam which prevents them from returning to their original homes and places of business and that without a complete sense of security the problem of rehabilitation of uprooted humanity cannot be solved :

This Council recommends to the Government of India to take the following measures to restore confidence and a sense of security amongst the Bengalees resident in Assam so that they can willingly go back to Assam, namely :—

- (a) Erection, as an emergent measure, of houses to which those who have lost their houses during disturbances can return immediately ;
- (b) In order to speed up rehabilitation of the displaced persons the grant of adequate compensation to those who have during the disturbances lost their property and to the dependants of those who have lost their lives and disbursement of such compensation by a representative of the Central Government ;
- (c) Re-enforcement of law and order in Assam which has been badly shaken ;
- (d) Arrangements to hold a judicial enquiry into the disturbances preferably by a person who is or has been a Judge of the Supreme Court for the punishment of those found guilty of creating them and for suggesting measures to prevent recurrence of such disturbances ;
- (e) Postponement of decisions regarding the Language problem in Assam until the matter has been discussed in a Conference, in which members representing groups speaking different languages in Assam can take part, and some agreement arrived at ; and
- (f) Arrangements for deputing a Member of the Central Government to Assam to supervise generally all measures required to restore normalcy.

I have, Sir, deliberately moved an identical resolution passed unanimously in the Assembly the other day. The recent debate in the Parliament as well as in the Assembly as also the report of the Parliamentary Delegation which visited Assam have all stated in unequivocal terms that violence had reigned supreme in Assam during the early part of July and that the administration had failed to cope with the spread of violence. Even the Government of Assam in its recent statement recognised the existence at one time of the spirit of violence in widespread manner in Assam. It is not for us to apportion the blame for this holocaust to one group or the other. It may be that there are reasons which combined together and created the holocaust which was witnessed in Assam in the month of July. What we are anxious of is to find out how to reverse the process so that security and a sense of confidence may come back in Assam and those that left their homes might get back to their places of residence and the families of those who have unfortunately been killed in the disturbance should be amply compensated in order that they may be rehabilitated. It is for this purpose and for this purpose only that the resolution is placed before you in order that the attention of all persons including the Central Government and the Parliament is focussed to the proposal

that have been adumbrated in this resolution. Fortunately it appears from the report and the speeches delivered by various members of Parliament and by the Prime Minister and the Home Minister that they have practically accepted all the proposals mentioned in the resolution. They have accepted the proposal for erection of houses quickly by employing military personnel. They have accepted on principle the payment of compensation to those who have lost their properties and also compensation to the families of those who have lost their lives. They have agreed to have a member of the Central Government to reside in Assam for some time to come so as to create confidence in the minds of the Bengali population in Assembly. They have agreed to have enquiries into the causes of the disturbances in order that there may not be a recurrence of such disturbances in future. They have agreed to postpone the consideration of the language question in Assam for some time to come. With regard to law and order, it is suggested that in Assam the law and order situation is getting better.

[9-10—9.20 a.m.]

But any step towards this end may necessitate the change of personnel in both the police and the executive because there is ample evidence to show that during the riots both these classes had failed to act in the manner expected of them. It is hoped that by adopting all these measures, not only will confidence and security be restored in Assam, but that the fundamental rights of citizens of the Indian Union, guaranteed by the Constitution, will be safeguarded in future.

Sir, with these words I commend my resolution for the acceptance of the House.

Sir, before I conclude, I would appeal to the honourable members to rise equal to the occasion and adopt this resolution unanimously, as was done in Lower House.

Dr. Monindra Mohan Chakrabarty : Mr. Chairman, Sir.

Mr. Chairman : Mr. Sanyal has got an amendment to the special motion, but I think he is not insisting on moving his amendment. Yes, you can speak.

Dr. Monindra Mohan Chakrabarty : Sir, I can first explain the background in which my amendment was submitted to you. As you are aware, I submitted this amendment as a substantive motion on the 1st September before the motion which has been just moved by the Leader of the House was even moved in the Assembly. At that time there was no decision as to whether any special motion will be moved by the Government in this House also. But, Sir, in the light of what has happened in the Lok Sabha during the last few days and particularly after the decision of the Lok Sabha, I feel that there was and I still feel there is some justification for my moving this amendment. But since, I think, it will be the desire of the House to have a motion unanimously adopted by the House, I may not formally move it because I think that

although a new situation has arisen, still we should re-emphasize our united voice along with the voice of the Assembly. But I will mention the points on which I would like that emphasis should be put in the original motion. I have already stated that for the sake of unanimity I am not formally moving my amendment, but if there is any other amendment proposed, then I will insist on moving it.

Mr. Chairman : As far as I can see, there will be no other amendment moved.

Dr. Monindra Mohan Chakrabarty : Then I will not formally move it.

Mr. Chairman : As it has already been fixed that Mr. Acharya is to begin the discussion today, I would request you to speak later on when your chance will come.

Dr. Monindra Mohan Chakrabarty : If that be your decision, then I will abide by it.

Shri Snehangs Kanta Acharyya : Mr. Chairman, Sir, I have read the resolution which has been moved by the Hon'ble Kali Pada Mookerjee, the Leader of this House and it is expected that this resolution will be supported in toto. But, as has been explained by the Leader of the House himself, it will be incumbent on us to reiterate the demands of the whole of Bengal not only in this House but before India, the Central Government and the Parliament.

Sir, as a member of the Communist Party, I will certainly support this resolution and I do not wish to move any amendment as far as this resolution is concerned. But, Sir, while supporting the resolution, I will have, with your permission, to draw the attention of this House and, through it, the attention of the people of West Bengal and certainly of the people of India to certain basic facts which are today evidenced not only in Assam but all over India. I bring these points because I feel and I am sure all others also feel in the same way that our leaders or the Central Ministers are not only gradually losing their sense of values but are also losing their whole perspective, the perspective of India, the perspective of progress and the perspective of democracy. Our Prime Minister Pundit Jawaharlal Nehru spoke and he was very sorry because there was black flag demonstration on the 15th August last. He was not sorry that certain persons had to show their disgust and to record their sorrow as to what had happened in Assam. Pundit Nehru has lost his values, because he is annoyed with the black flag demonstration and not with the black deeds committed in Assam and not at the torture, rape, loot and murder that have been carried on in Assam. On the contrary he will be giving bouquets one after the other to the Ministers of Assam and to his own colleagues who sat in Delhi quietly all these times. Pundit Nehru is annoyed with the newspapermen because they had the courage and they were doing their duty in bringing the matter before the public. Pandit Nehru is annoyed not because of what happened in Assam but because the newspapermen had the courage to place those facts before the public, to ventilate in the Press what they considered to be the duty of all democratically-minded newspapermen. That is what makes us all sorry.

The incidents of Assam, we all know, were anticipated by the Central Government as early as June 4, 5 or 6 of this year. Nothing was done by the Central Ministers ; they sat quietly. As you know, Sir, how sense of value goes away. Today I saw the photograph of Pundit Nehru going to Orissa, a flood-stricken State, where thousands and thousands of people are facing death : he is alighting with bouquet of flower. That is how the Prime Minister of India goes to Orissa to look after the flood-stricken people of that State. Similarly when he went to Assam, I saw his beaming eyes when he was planting a sapling in Shillong Government House with the Governor Shri Srinagesh standing by him and even the smiling Mr. Fakhruddin Ali Ahmed standing by his side. He had gone to see the holocaust of Assam, to see the torture to which the whole Bengali community in Assam was subjected. What was stranger still was that he went in a Helicopter to Assam to see whether persons were raped, whether persons were killed or thrown in a jungle or quietly thrown into the river to float away into Pakistan. I know one creature which can see dead bodies from a height, that is the vulture. I do not know of any human being, who wants to go to see how many persons had been killed, alighting from a Helicopter or aeroplane. We see complete loss of value on the part of the Prime Minister. The Prime Minister says, and it is echoed by everybody, that a judicial enquiry would create further tension, further bitterness. But while the Prime Minister was speaking thus, a judicial enquiry was taking place and it is taking place today in Gauhati. Does the Prime Minister know that because of loss of life of an Assamese a judicial enquiry is being conducted today by the Ministry of Assam.

[9-20—9-30 a.m.]

To that Pundit Nehru and his colleagues have nothing to say. There should be a judicial enquiry for the Bengalee lives lost and for all that has happened in Assam. Tension naturally will rise and naturally public feeling will be incensed because, after all, Bengalees cannot protest for having been killed in Assam. Sir, I saw in the newspapers that a whole hospital will be lifted to Congo. I am very grateful and I thank the Prime Minister and the Government for putting out before the world the solidarity of the Indians to the people of Congo. But could not this be possible in Assam ? Could not the corrugated sheets by which the refugees will have to be resettled again in Assam be lifted to Assam ? Could not Pundit Nehru think about the hospital ? Could not the Central Minister think about the health measures in Sealdah and in Alipur Duar camps ? I say, Sir, it is only something which affects them that is why that they are bothered. As far as Bengalees are concerned, they are not bothered at all. (At this stage the red light was lit.) I know, Sir, you are giving red signal to remind me to finish. I will only say this, Sir, that the Prime Minister of India, it is clear, is annoyed with the Bengalees. I do not know why ? I think he feels a great inferiority complex when he comes to think about Bengal. He feels that, I can rightly say, had today Netaji Subhas Chandra Bose been alive, Pundit Nehru would have been a second fiddle in the Indian political life. He also knew that when Chittaranjan Das was alive, his own father, Pundit Motilal Nehru, was nothing but a second fiddle to that great figure of Deshabaudhu Chittaranjan Das.

Mr. Chairman : Please do not bring in the question of personalities. *

Sari Snehangsu Kanta Acharyya : Sir, when we are discussing on this subject I have to refer to all these when I find the Ministers of Central Government do not care at all what happens to West Bengal or Bengalees. I say all this in sorrow. I ask the Minister sitting here to think over the matter. You know what happened to Maharastra. Pundit Nehru and the Central Ministers said that Bombay will not be divided. Bombay city will not belong to Maharastra. It will only belong to Maharastra over the dead bodies of the Central Ministers. Today Bombay does belong to Maharastra because the Maharastrians are united and they got the demand. You know what has been to Nagaland? They denied the whole thing. Today it is no longer the State of Naga. It is Nagaland. Strangely enough this Nagaland will be administered under the External Affairs Ministry. Have you ever heard that a State of India will be administered by the External Affairs Ministry which has only got to do with foreign States? I ask the Ministers here and our honourable members here to reiterate the demand which West Bengal Government, by its own memorandum, placed before the States Reorganisation Committee. Don't be afraid because you know if we are united Bengal, Bengalees can be saved. I will only reiterate my demand but at the same time I support the resolution moved today only to show that today Bengal stands united on her demand for rectifying whatever has been done to the Bengalees in Assam.

Shri Satyapriya Roy : স্বার, আমাদের সামনে যে প্রস্তাব উত্থাপন করা হয়েছে, তাতে আমি আন্তরিকভাবে সমর্থন জানাচ্ছি। সমর্থন এজন্য জানাচ্ছি যে আজকে বাংলা কেন শুধু, সবুজ ভারতবর্ষের ঐক্যবোধভাবের দ্বারা আছে। ভারতের সংহিতা, ভারতের ঐক্য কিভাবে রক্ষা করা যেতে পারে। ব্যক্তিগত প্রশংসন এখানে আসতেই পারে না। বিক্ষেপ বা দৃঃখ হিসাবে শুধু বাঙালী হিসাবে দৃঃখ করছি এখানে দাড়িয়ে তা নয়, ভারতের ঐক্য, ভারতের কল্যাণ সামনে রেখে সমস্ত ভারতবাসীর কি কি কর্তব্য তা ধীরে শুন্তে বিবেচনা করে আজকে আমাদের সামনে সম্পূর্ণ উত্তেজনা-হান যে প্রস্তাব তাকে ঐকাস্তি সমর্গন জানাচ্ছি এই স্বরস্তাব যে, যে প্রস্তাব উত্থাপন করা হয়েছে তা যদি উপেক্ষিত হয় তাহলে সেই প্রস্তাবকে কার্যকরী করার জন্য যে কর্মপথ প্রাপ্ত করা হবে, সেই কর্মপথ প্রাপ্ত করার জন্য যে ঐক্যের পার্শ্বে বামপন্থী পক্ষ থেকে দেখান হয়েছে সেই ঐক্য তাও মেদিন বজায় রাখবেন এবং বাংলা ভাষা ভারতবর্ষের কল্যাণে এগিয়ে এসে তা কাজে লাগাবেন। প্রধানমন্ত্রী মহাশয় তার দীর্ঘ ও অর্থচীন ধন্ত্বাত্মক লোকসভায় যা বলেছেন তার'পর আমি বিখ্যাস করি না যে এই প্রস্তাব তার মনের উপর কোন বেখাপাত করবে। প্রধানমন্ত্রী মহাশয় আজকে পরিস্থিতিকে বুঝতে ভুল করছেন এবং যার জন্য তিনি যোহওচ্ছ, স্টোত এবং সন্তুষ্ট—সেটা হল এই যে তিনি এই আন্দোলনকে ভাষা আন্দোলনের সঙ্গে জড়িয়ে নিয়েছেন। কিন্তু বাস্তবিকপক্ষে এটা ভাষা আন্দোলন নয়। আস্তামে আমরা নিজেরা নিয়ে দেখেছি এবং নিজেদের প্রত্যক্ষ অভিজ্ঞাতার ভিত্তির দিয়ে হাজার হাজার আসামী ভাষাভাষী লোকের সঙ্গে আলাপ করে এটা বুঝেছি যে এর সঙ্গে ভাষা আন্দোলনের কোন যোগাযোগ নাই। এ হচ্ছে সম্পূর্ণ একটা বাস্তুতিক খেলা, মন্ত্রীদের কাড়াকাড়ি। যিঃ চালিহাকে মন্ত্রীদের গদী থেকে সরিয়ে দিয়ে যে কঠিনেস নেতৃবর্গ আজকে মন্ত্রীদের আসলে বসবার জন্য উদ্যোগ হয়ে আছেন সেই নেতৃবর্গ অমন্ত্রাধীনগণকে উত্তেজিত করে এই বিবাট ধ্বংসাত্মক প্রয়োজন করেছে। আস্তামের সাধারণ যেহেন তাঁর গদীর জন্য আজকে মন্ত্রীদের গদীর জন্য কুড়াকাড়ি করছে তারা স্তোষণ বড়বড় করে বেড়িয়েছে, আমার মনে হয় এটা সকল সমস্তদেরই জানা আছে। এত চেষ্টা করেও বাস্তবিক ভাষা বিহেব আগিয়ে তোলা যাবলি, এত চেষ্টা করেও সেখানে

নির্বাচক সংস্থা করা যায়নি। কলে ৪ঠা জুনেই বে শুলীচালনা হয়েছিল সেই সমস্ত বিধ্যা কাছিনী বচনা করে এবং মৃতদেহকে আসামের এক প্রান্ত থেকে আর এক প্রান্ত পর্যন্ত শোভাবাত্ত্ব চালিয়ে যাওয়ার অধিকার দিয়ে এবং শুধু ভাই নয়, পুলিশ ও প্রশাসনিক বিভাগ এমন কি বিচার বিভাগ এবং মঙ্গীমঙ্গলীরও অনেকে এই বড়বড় জাগিমে তুলে এই বিচার ধর্মসংজ্ঞের সংষ্ঠি করেছে—একথা আজকে পরিষ্কার। কিন্তু আসামের প্রধানমন্ত্রী বিচার বিভাগীয় তদন্ত করতে সাহস পাচ্ছেন না কেন? তিনি বলছেন আসামের সমস্ত জনসাধারণ বখন এই আলোচনায়ে পড়েছিল তখন আজকে একটা বিচার বিভাগীয় তদন্ত করতে তারা স্কুল হবে এবং তারা স্কুল হলে, তার বে উদ্দেশ্য বাঙালী উরাস্তও বাঙালী ভাষাভাষীদের পুনর্বাসন করা, সেটা ব্যর্থ হয়ে যাবে। আমার কথা হচ্ছে অধানমঙ্গী মহাশয় তাঁর চারিপিকে ভূত দেখছেন, তিনি ভূতের যে তালিকা দেখতে পাচ্ছেন তার কারণ হল তাঁর মনের দুর্বলতা, এই দুর্বলতার উর্ধে উঠে তিনি যারা অগ্রাহকারী বাজনেতিক উদ্দেশ্য চরিতার্থকারী, যারা এই বিচার ধর্মসংজ্ঞে করেছিল, আরস্ত করেছিল এবং দক্ষসংজ্ঞে পরিণতির দিকে নিয়ে গিয়েছিল তাদের শাস্তি দিতে পারলে অসাধারণ, শুষ্ঠু বশিষ্ট মন নিয়ে তাদের জীবিকার্জনের জন্য ব্যস্ত থাকবে এবং তারা কেন্দ্রীয় সরকারের পক্ষে বা বিপক্ষে বিক্ষেপ স্থানে করতে বাবে না এই আধাস আমরা প্রধানমন্ত্রীকে দিতে পারি। প্রধানমন্ত্রী লোকসভার বক্তৃতায় কথেকথা বলেছেন সেটা হল যারা একটা ঘরে আগুন দিয়েছে কি একজন লোককে আহত করেছে তাদের শাস্তি দিতে হবে। কিন্তু এই লোকগুলি যাদের বারা উত্তেজিত হয়েছে এই কাজে অনুত্ত হয়েছে যারা সমস্ত বড়বড়ের গোড়া তাদের শাস্তি না দিয়ে ক্ষুদ্র ক্ষুদ্র অপরাধী (ঐ বিচার অপরাধীদের তুলনায়), তাদের শাস্তি দিয়ে কি বিচারের উদ্দেশ্য সার্থক হবে?

[9-30—9-40 a.m.]

তাতে কি নিরাপত্তা বাঙালীদের মধ্যে ফিরে এসেছে? কখনও আসতে পারে না, এখানেও আসেনি। এবং সেখানে জনতার অভিযুক্তি হিসাবে যে আলোচন প্রধানমন্ত্রী মহাশয় দেখেছেন সেটা যে কত বড় ভুল, তা কয়েকটি ঘটনা দিয়ে পরিষ্কার করতে চাই। আমি, এই আলোচন বখন সর্বোচ্চস্তরে, পৌছেছিল, তখন নির্ধারণ বাল্মী শিল্পক সমিতির পক্ষ থেকে আসামে গিয়েছিলাম। সেখানে ৪ঠা তারিখে আসাম ড্যালাইতে কারফিউ অর্ডার দিয়েছিল আসাম সরকার। শুনেছিলাম গোছাটাইতে তখন সামরিক বিভাগের লোকও ছিল। কিন্তু তা সহেও হাজার হাজার অসমীয়া সেই কারফিউ অর্ডার লঙ্ঘন করেছে এবং তার জন্য তাদের কোন শাস্তির ব্যবস্থা করা হয়নি। শুধু ভাই নয়, অবিলম্বে এই কারফিউ অর্ডার তুলে নেবার জন্য ডি.পি.কে বাধ্য করিয়েছে। এবং সেইজন্য যে ডি.পি. সেখানে ছিল তাকে বদলী করিয়ে কুণ্ডলকে বাধা হয়েছে। আমরা দেখতে পেয়েছি এবং প্রত্যক্ষ অভিজ্ঞতা থেকে শুনে এসেছি যে পুলিশ এসে,—বাঙালী আসামীয়া যারা সেখানে প্রতিরোধ করবার চেষ্টা করেছে। উদাহরণ ব্রহ্মপুর নোয়াখালী বস্তীর কথা বলতে পারি, সেটা গোছাটা সহযোগ থেকে মাত্র ১ মাইল দূরে, সেই বস্তীতে বাঙালীরা সংঘবদ্ধভাবে প্রতিরোধ করবার চেষ্টা করেছিল—পুলিশ এসে বাঙালীদের গ্রেপ্তাৰ করে, তাদের লাঠিসোটা বা আস্তুরকা করবার জন্য ছিল তা সবিয়ে নেবার পর, পুলিশ বেশধারী শুণোৱা এসে সেই বস্তী শুষ্ঠু করেছে। সেখানে বিচার বিভাগ যে কতখানি কল্পিত হয়েছে সেটা ও লক্ষ্য করবার বিষয়। আসামে যারা দাঙা-হাঙামা করেছে, লুঠ, খুন, নারী-ধৰ্য করেছে, সেখানে ম্যাজিট্রেট তাদের ধৰার পর সেই শুষ্ঠুতেই আবার তাদের জামিনে ছেড়ে দিয়েছে। এবং তারাই আবার কিরে গিয়ে হত্যা, লুঠন, নারী-ধৰ্য করেছে। বাঙালী বিজেদের বা-বোনের সন্মান বক্তব্য করবার জন্য ধর্মবন্ধ হয়েছে তখনই তাদের শেষাঁর

করে ম্যাজিস্ট্রেট-এর সামনে নিয়ে আসা হয়েছে এবং তাদের আটকে রাখা হয়েছে। অথচ বাবা নিবের পুর দ্বির অভ্যাচন করে গিয়েছে তাদের ধরে নিয়ে এসে সেই শুল্ক দেওয়া হয়েছে। আমরা এই নিয়ে মন্ত্রী হাজারিকার সঙ্গে দেখা করেছিলাম, চৌক্ষিকেটারীর সঙ্গে দেখা করেছিলাম যে, এই বক্তব্য ব্যবস্থা কি করে হতে পারে, সেখানে হজ্যাকারীদের জামিন দেওয়া হচ্ছে, আর বাবা নিজেদের রক্ষা করবার জন্য প্রাণপণ চেষ্টা করছে তাদের ধরে নিয়ে গিয়ে ১০:২ দিন জেলে রাখা হচ্ছে। তারা এর উভয়ে বললেন যে আইন তার নিজের পথে চলবে, আমরা আইনের বিকল্পে থেকে পারি না। আমি বলছি নোয়াখালী বস্তীতে ৬০০ বাড়ী নুষ্ঠিত হয়েছে এবং যারাই সেখানে নিয়েছেন তারাই সেকধা জানেন। আসাম সরকার জানেন কারা এই কাজ করেছে কিন্তু আজ পর্যন্ত আসাম সরকার সেইসব নুষ্ঠিত দ্রব্য উদ্বার করেন নি কেন। আমি বেলতলায় গিয়েছি।

[At this stage the red light was lit.]

সার, আমি দাবী করছি, এখানে যারা আজকে আলোচনা করছেন তাদের মধ্যে কেউই গিয়ে এই নারকীয় দৃশ্য দেখে আসেননি, আমরা দেখে এসেছি এবং আমাদের প্রত্যক্ষ অভিজ্ঞতা থেকে যা দেখে এসেছি তা এই বিধান পরিষবে উত্থাপন করবার স্বয়োগ দেবেন এই নিবেদন আপনাকে করবো।

বেলতলায় গিয়ে দেখেছি ৩০০ লোককে গৃহহারা করে তাড়িয়ে দেওয়া হয়েছে এবং তারা সেখানকারই একটা ক্যাম্প-এ আছে। তাদের গরু বলদ কোধার আছে তা তারা জানে, এবং তা তাদের অভিযোগ কাছেই আছে। কিন্তু তবুও ডি.সি. তাদের কাছে তা ফিরিয়ে দেয়নি কেন? তাদের যে জরি গিয়েছে তা তাদের ফিরিয়ে দেওয়া হয়নি কেন? এর ফলে তারা জরি চাষ করতে প রছে না। এ প্রশ্ন করলে তার উভয়ে পাওয়া যায় যে, আইন তার নিজের গতিতে চলছে। কাজেই কোন বক্তব্য ব্যবস্থা করা হয়নি। স্বত্বাত্তিই সেই সময় আইন ও শুভলা আসামে ডেকে পড়েছিল, আসাম সরকারও লুঁগনকারীর দলে যোগদান করেছিল। এবং এই বক্তব্য সরকারকে আজকে কেন্দ্রীয় সরকার বেক্রম দুর্বলতা দেখাচ্ছেন তাতে পরিকার এই কথা বলতে পারি যে ফ্যাসীবাদী এখানে দেখা দিয়েছে সেই ফ্যাসীবাদীর নেতৃত্বে এই কংগ্রেসকেও বিতাড়িত হতে হবে আসাম থেকে, এবং নাগা বাঙ্গায় পৃথকীকরণই সেই বৃক্ষ ঘোষণা করে দিয়েছে।

তাহলে আসামে অন্তর্ভুক্ত গৃহযুদ্ধ আবস্থ হবে এবং ভারতবর্ষ টুকরা টুকরা হয়ে যাবে যদি কেন্দ্রীয় সরকার শক্ত হাতে ব্যবস্থা গ্রহণ না করেন। স্বত্বাং আমার পরিকার বক্তব্য হচ্ছে আজ কেন্দ্রীয় সরকারের যে দুর্বলতা দেখা দিয়েছে তাতে শুধু বাংলার ক্ষতি হচ্ছে তা নয়, সমস্ত ভারতবর্ষ যে একদিন খৎস হবে সেই খৎসের স্থচনাই আজ আসামে দেখা যাচ্ছে।

আজকে আমার এব্রাহাম লিঙ্কন-এর কথা মনে পড়ছে, সেদিন তিনি শক্ত হাতে গৃহযুদ্ধ দখন করতে পেরেছিলেন বলেই আমেরিকাকে রক্ষা করতে পেরেছিলেন। কিন্তু আমাদের ছর্ডাগ্যা যে আমাদের দুর্বল প্রধানমন্ত্রী যখন ভারতবর্ষ টুকরা টুকরা হয়ে যাচ্ছে তখন তিনি অসংয়ৰ দশকের ভূমিকা গ্রহণ করেছেন। আমি আবেকটা কথা বলব যে আমাদের প্রতিকাণ্ডলিকে দোষাবোপ করা হচ্ছে বে তারা সাম্রাজ্যিকতা ও উত্তেজনার স্থষ্টি করেছে। আমি সেখানে বলব এই যে বিশ্বাতল ইহীন মানবতার আশ-অবসন্ননা তারা বরং ভারতবর্ষের লোকের কাছে পৌছিয়ে দিয়েছে। আমি জিজ্ঞাসা করছি তারা কাকে উদ্ধানী দিয়েছে তা আমি বুঝতে পারলাম না। বরঞ্চ আমরা এবাদপত্রশুলির কাছে ক্ষতজ্ঞ যে সমস্ত সভ্যকে গোপন না করে ভারতবর্ষের সাধারণ মানুষের কাছে

পৌছে দিয়েছে। এইজন্ত পত্রিকাগুলিকে আমি সবর্ধনা জানাই। সর্বশেষে আমি আবেকটা কথা বলে আমার বক্তব্য শেষ করব, যে গ্রন্থাব আমরা সর্বসম্মতভাবে গ্রহণ করছি তা যদি কেন্দ্রীয় সরকার উপেক্ষা করে তাহলে বাংলার কংগ্রেসের যে ঐতিহ্য আছে সেই ঐতিহ্য যেন বাংলার কংগ্রেস অঙ্গুলণ করে। তারা যেন কেন্দ্রীয় কংগ্রেসের সঙ্গে সমস্ত সম্পর্ক ছেদ করেন। আমাদের আগমন্ত্বের গান্ধীর দিকে কোন লোভ নেই। আমি শুধু অঙ্গুলণে করব বাংলার কংগ্রেসের ঐতিহ্য মেঠাজী কংগ্রেসের ঐতিহ্য যেন ভূলে না যাই। এবং প্রয়োজনবোধে আমরা যেন আমাদের নিজেদের শাসনকার্য নিজেরাই চলাতে পারি। এই বলেই আমি আমার বক্তব্য শেষ করছি এবং স্থান আমি দৃঃখ্যত যে কিছু যেনো সময় বেঁধার জন্য, আশা করি আপনি মার্জনা করবেন।

Shri Sasanka Sekhar Sanyal : Mr. Chairman, Sir, the acceptance of the amendment in the Lok Sabha, the amendment of the West Bengal M. P., is nothing but a grudging concession to the pressure of public opinion that has mounted in large numbers in the country, but we must be sure that is not merely a palliative. Dangers are there. The condition of appropriate time virtually takes away by one hand which is grudgingly given by another hand. Sir, who will discover this 'appropriate time'? —the author of the 'Discovery of India'. While the process of healing will go on and all the time that some evidence would be placed before the Enquiry the process of healing will go on, that evidence will disappear totally; it will be said that the healed up process is complete and then the new and more plausible approach will be made, "Well, bury the hatchet, close the old chapter".

Sir, let us examine the climate of enquiry. The Lok Sabha has not committed itself to the appointment of a Supreme Court Judge for the Commission, but I assume that a Supreme Court Judge will be found out; but who will be entrusted with the task of collecting and placing the material before the Commission? I am sure, things as they are today, that responsibility will be given to the Assam Government.

[9-40—9-50 a.m.]

Sir, the Inspector General of Police, an unfortunate Bengalee, is being transferred today—either being kicked up or kicked out—only because the students' insistent demand is that unless he is removed, his underlings cannot be produced as witnesses. Look at outside of the picture. The highlights of the powers that are virtually on trial, they are accused, and they will also be the prosecutor. And what will be the atmosphere? Do you think that persons, aggrieved persons, even if they go back with their shoes and feet trembling, would be able to shake off their timidity and shyness and depose the truth? Those who have lost two members of the family will think less of the members lost than of the members yet to be killed. Those who have lost some property will think less of the property lost than of a little property left. Those who have not yet been killed will think discretion to be the better part of valour. In these circumstances I appeal to the members of the Treasury Benches and to the great Congress Party: Please do insist upon the Central Government that the Home Department of the Government of India must take up this undertaking of collecting and placing the materials before the Commission. Otherwise, it will be all love's labour lost and the mountain of debates

here and elsewhere will be only producing the proverbial mouse of no evidence and nothing doing. And beware, we have got a tradition of shelving the report of Commission, and I hope that our Government will whip up the Government at the top to see that justice delayed is justice denied, that that is not done and that things are not shelved in the name of appropriate time phraseology which means nothing and which may be anything. There is another danger, Sir. The danger is that the Prime Minister of India has already taken up a brief against Bengal and Bengalees. It will be a tough job for the Commission to be unmindful of the verdict which was already given. To him, I quote his words, these events in Assam are inexcusable and unpardonable, not the authors of the events but the impersonal events. He has not a word to say about the persons. He says that the press in West Bengal must be kept under revolver. The press in West Bengal has been the tender midwife in the dark days of Bengal and Bengalees, but the press can take care of itself. I hold no brief for them. But what about the press in new Delhi ? Is it any news to say that there was complete blackout in the aristocratic press near the Secretariat and the Hon'ble the Prime Minister had nothing to say about that ? What about the iron curtain raised and put by the Assam Government ? It was complete suppression of truth, and the Prime Minister had nothing to say about that. Then an airy reference was made to a few bad cases about women, as if it was bad to have been women and it was worse for them that they were ravished. Sir, he for the first time made a discovery of the urges in the mind of the Assamese people and in their behaviour that they are looked down upon and that they feel that some people are standing in the way of their progress. This is justification by anatomy. Will you excuse us if such things happen in Bengal ? Have we no urges, no grouse, have we no grievance ? But is that a method of solution ? Is that democracy ? But, still in the name of explaining he is virtually justifying what was done.

Then, Sir, to add insult to injury he says that the wrong doers, the Assamese are good men and the Bengalees are all bad men. He has said that the Bengalees must have been bad men. Then he says that the only person who was competent was the Governor Shri Srinagesh, although, Sir, he failed and completely failed to maintain law and order. Then his other proposition that Chaliha Ministry must be kept high - kept high at any cost, at the cost of life, at the cost of everything - equity and fundamental justice. The Hon'ble Prime Minister has given you a logic and I shall also give you a beautiful logic and it is this : India is bigger than Bengal—certainly it is—the caucus in Assam is pair of the caucus in Delhi—nobody can deny that. Therefore the caucus in Assam is bigger than Bengal and Bengalees—this is not a fallacy of four terms but of many terms. Now, the inevitable conclusion of the logic is that who lives if the caucus dies and who dies if the causus lives and that is how, Sir, we are expected to maintain the four pillars of the Constitution—justice, liberty, equality and fraternity. But, Sir, this is not a new attitude of Pandit Nehru. I may tell you what happened in 1946. He was the Prime Minister of the Interim Government of India. I was a humble member of the Constituent Assembly. Mr. Suhrawardy, the Chief Minister of undivided Bengal, started the Great Calcutta Killing—killing Bengali Hindus—and I tabled an adjournment motion to discuss the matter in the Parliament and also put a short notice question. In the party meeting the decision was that well the Congress is part of the Government and if you indict it it well be indicting the Congress and so

the adjournment motion should be withdrawn. That was the decision but there was no decision with regard to the question I put. On the 30th the question was given in printed papers and on the 29th I was asked by Sj. Satya Narayan Sinha, now a Parliamentary Minister, to withdraw the motion. I said "My Bengal—my mother—is bleeding and I shall withdraw the question, I cannot". Then he brought a written note from Shri Saksena—"Dear Mr. Sanyal, will you please write to the Secretary of the Assembly to put off the question fixed for 30th October to a subsequent date. I am doing so for reasons already explained to you." I said "Unless the Leader of the party who is the Leader of the House asks me I refuse to accept your mandate". Then came the letter—a note from Pandit Jawaharlal—"I hope Mr. Sanyal will not press his question No. 69" then comes the significant phrase "as this will do no good at present". When you ask for an action against a wrong doer you say, Sir, it will not do any good or it will not serve the purpose. This is the trend of the discussion and decision of the party meeting. Sir, I hand it over to you for making it a part of the Council proceedings.

(At this stage, the member handed over to Chairman a photo-stat copy of the letter.)

[9-50—10 a.m.]

Sir, I expect and request the members of the House to beware of that Grand Fuhrer. He has no patriotism, he has no logic. He is a power-loving man and I will quote the words of a Journalist in the Round Table, which is a Quarterly Review of the Commonwealth affairs, of the June, 1960, issue. A review is made of his association with the Mundhra scandal, the Mathai scandal and the Nanavati scandal and there is a reference saying that he had the audacity of calling a High Court Judge a stupid person and then apologising. He has concluded thus: But many are beginning to wonder whether Pundit Jawaharlal Nehru can be ignorant of what to everyone else is very clear, viz., the fast decline of the country. Does he approve of what has been going on around him? If he does not, what is he going to do about it and when?

Shri Tripurari Chakravarti: Sir, I rise to lend my wholehearted support to the resolution which has been moved by the Hon'ble Leader of the House Shri Kali Pada Mookerjee. Our Prime Minister Shri Jawaharlal Nehru pathetically confessed the other day in the Lok Sabha that his life is a haunted one. He said that the Lok Sabha is haunted, that the country is haunted, by ghosts and spectres. I agree with this view of the Prime Minister, but I want to add that the only means of exercising these ghosts and spectres is to assert the tremendous majesty of law and State power. I do not know whether the ghosts and spectres, to which Pundit Nehru has referred, are responsible for the evident signs of his mental decomposition. Pundit Nehru always philosophizes, he behaves like Hamlet, the Prince of Denmark, but he does not know how to take appropriate action at the appropriate moment. Sir, the persecution, the oppression of the Bengalee community in the Brahmaputra Valley in Assam has been going on for a long time. Pundit Nehru himself in his tour of the Brahmaputra Valley in December, 1937, said: "These immigrants from the neighbouring State should be encouraged to stay here." I have got this quoted from his book "Unity of India" in which this speech has been published as late as December, 1937. Pundit Nehru said that. Since then, persecution—deliberate, calculated persecution—

of the Bengalee community in Assam has been going on. The administration of Assam has been losing hold on the people and, in the general paralysis of administration, local disorders have increased to a frightful extent. The need of the hour, to my mind, is to set up a strong administration ; the need of the moment is to supersede this spineless, nerveless, work and incompetent Assam Government. I might even plead for President's rule in Assam for some time.

Then, Sir, I want to maintain with all the emphasis at my command that a comprehensive judicial investigation ought to be made into the recent happenings in Assam. A Judicial Commission under the Chairmanship of a Supreme Court Judge should be set up. Nothing less than that will satisfy the people of the country. Pundit Nehru, of course, has said that nothing will be gained by such a Commission. He has said that an enquiry for the whole of Assam becomes a long term affair and gets delayed. I want to remind our Prime Minister that an enquiry into the whole of the Punjab disturbances in 1919 took only three months. We know that the Indian National Congress set up a comprehensive Committee of Enquiry consisting of Mahatma Gandhi, Desabandhu Chittaranjan Das, Abbas Tyebji and M. R. Jayakar. I have got that report—the Report of the Congress Enquiry Committee—in my hand. The Committee took only three months. The Committee started its work on the 17th November 1919 and completed its deliberations on the 20th February 1920 at Benaras. Mahatma Gandhi has said in this Report that this could be done within three months. The Committee examined about 2,000 witnesses and, more than that, thoroughly examined, sifted about 3,000 papers. This could be done in three months. Pundit Nehru said in his auto-biography that in this task of enquiry he assisted Mahatma Gandhi and Desabandhu Chittaranjan Das for whom his praise is unbounded. I would ask Pundit Nehru to re-read those pages of his auto-biography. Let him understand, let him recollect that if a Committee of Enquiry becomes serious about its business, about its duty, the enquiry can be finished within two months ; the Assam enquiry can be finished within two months, if the Government of India is so minded.

I would refer to an article which was published in the pages of the Modern Review in November 1955 by the great historian of India, Jadunath Sarkar. At that time he became alarmed by the signs of evident disintegration of India. The name of the article is "Must India Disintegrate". It is interesting, instructive to find that Professor Jadunath Sarkar refers to the instance of Assam. He says, "Assam is an artificial creation. Assam was formed by the piecing together of the mosaic conveniently called Assam. Its races and languages are as diversified as its geography. The population is made up of pure Bengalis, cultural converts to Bengali for four centuries (in Manipur, Kamrup, Goalpara and Dhubri), Indian natives of the old Ahom Kingdom called Koltas and Ahom immigrants of Shan stock now completely Indianised, besides its own wild tribes of remote antiquity and historical importance". Then he says, "The language called **Assami** is written in Bengali characters, and its grammar is Bengali though the vocabulary contains a small number of non-Bengali (Mongoloid) words also. If grammar and vocabulary be the essence of a language, then Assami is only a dialect of Bengali as Konkani (the Goa vernacular) is a dialect of the Marhatti language". Then Professor Jadunath Sarkar says, "The immediate need of the moment in North Eastern India is that

there should be a super-State authority, functioning at the expense of State right".

What he means to say is that the disaster of India is inevitable and he utters this warning. The only task for our future leaders is to strengthen the bonds of unity, otherwise India cannot escape the fate of Balkanisation on a colossal scale towards which we are rushing headlong amidst the soul-enchanting music of Ramdhun and the rattle of a thousand **charkas** coming from our Raj Bhavans. This was the warning uttered by a great historian of India, Jadunath Sarkar, as early as November, 1955. I will ask the Prime Minister as well as others of the Government of India to read this article.

Thank you, Sir.

[10—10-10 a.m.]

Dr. Monindra Mohan Chakrabarty : Mr. Chairman, Sir, I give my support to the resolution for the sake of unanimity, but I have a strong feeling that the resolution is very moderate and falls far short of the things which should have been in it. Sir, this is particularly so after we have seen what has happened in the Lok Sabha in the last few days. The attitude of the Prime Minister has not reassured the Bengalees or for that matter the refugees who have come from Assam, and Sir, if I may say so, the resolution that has been adopted there has been full of sound and fury and it signifies nothing. The question of inquiry has been relegated to an unimportant position. Appropriate time, as has been remarked by many and particularly by a great man whom I shall not name, may come at any time between today and doomsday or it can never come at all. Actually, the Prime Minister is trying to give shelter and see that the evidence that can go against the present Ministry of the Congress set up in Assam is suppressed till some convenient time so that no evidence can be adduced against them. He feels no urgency about it. Here I may refer to the remark of no less a person than Mahavir Tyagi, a former Minister. He was even forced to remark that for the inefficient handling of the situation and for most of these holocausts the people there are responsible and they have not done anything so far in the way of instituting an inquiry against the officers who are responsible under them. How can they be entrusted particularly when there has not been a Cabinet reshuffle? I am reading as he has put it after what has happened—how is it that the Government in Assam stands as it is? The Law Minister of the State should have come forward in a mood of 'prayaschit' and tendered his resignation. What steps Pundit Nehru and Parliament have taken for those who are really sufferers, i.e., for rehabilitation?

Can the refugees who have come away have any confidence about them? Can they forget the blood stained hands of those who the other day massacred them? And now with a faint smile in their lips they are out to help them. It is not possible. Therefore, Sir, I strongly feel that the task of relief and rehabilitation as well as the function of maintaining law and order should have been directly conducted by the Central Government and after what has happened the State Government of Assam should have nothing to do with it. I still feel that the Presidential rule for some

time at least should have been the only remedy for such a situation in Assam—that was imperative in this situation—and till everybody has been properly rehabilitated the Central Government should have the responsibility of law and order in itself. Sir, there have been talks of a number of inquiries but no comprehensive inquiry has been proposed. The only opposition motion that was moved by Acharyya Kripalani and others has been lost but I strongly feel that without an inquiry with the Judges of the status of Supreme Court no purpose will be served.

Sir, so far as the State language in Assam is concerned, no direction has been given by Parliament. I strongly feel, Sir, that at least the Centre should have seen or should now see that the **status quo** should be maintained.

Then, Sir, nothing has been said about the census. As we all know, Sir, there has been a gulf of difference between the 1931 census and the 1951 census. I do not want to give you the statistics—they are well known—but I want to emphasise one point that somehow or other the population of Assam seemed to have increased in a rate that is inconceivable in a civilised world and that must not have been the truth and therefore at least so far this is concerned, the next census in Assam should be conducted after everybody has been properly rehabilitated and it should be conducted by the Central Government, and only after getting the correct figures, the State language question should be taken up and solved in accordance with the recommendations of the State Reorganisation Commission and then pending the State language question being taken up without these measures, I strongly feel that the Bengalees should at least be given equal status with the Assamese. Without all these, Sir, I do not think that the situation in Assam can return to normalcy. The fundamental issue at stake today is not only the question of intimidation or coercion or loot or murder or such things by a group of persons or another, the fundamental issue is whether the principles that have been enunciated in the Indian Constitution shall prevail and we shall continue to be guided by the Constitution. Sir, with all the emphasis that we can command we must state that unless these fundamental issues are kept in their proper perspective, no solution of Assam problems or for the matter of that, of the problems of India in general can be permanently made.

Shri Dwijendralal Sen Gupta : Mr. Chairman, Sir, I stand to support the resolution but not without any mental reservation. I find in the preamble of the resolution "Whereas there has been mob violence in Assam during the past few weeks, resulting in destruction of property and life and in people being forced to leave their homes" etc. Is that enough? Why the resolution does not refer to the words "rape and molestation of women" which is the most vital part of the Assam holocaust? If one's property goes, that loss may be compensated. But when one is raped, that is beyond repair. So I draw the attention of the mover to this part of the matter.

Then, Sir, coming to clause (d), there is mention of a Judge of the Supreme Court for the punishment of those found guilty of "creating" the disturbances. Does the mover mean by 'creating' aiding and abetting too?

Both Assam Government and Central Government, in my opinion, stand in the position of aiders and abettors. That, I believe, is included in the term "creating".

[10-10—10-20 p.m.]

In this connection I must mention the positive service given by the Bengal press. Revolutionary Bengal and Bengal press have always been nightmares to the Delhi gods, the foreign and the Indian gods too. Sir, I cannot forget the role played by Shri A. P. Jain, the leader of the Parliamentary delegation in Assam. He happens to be a relation of Shri S. P. Jain, the man who owns and controls the "Times of India". This "Times of India" has all along been dishonest in suppressing the truth so far as Assam incidents are concerned. That particular paper is a rival of the "Amrita Bazar Patrika". This is a well known fact. Is it to be presumed that to support the case of the "Times of India" and to help the circulation of this paper, false and unfounded allegation was made against the "Amrita Bazar Patrika"? Then there is another man, Shri Ganesh Phukan. He was a Deputy Commissioner at Kamrup. He was transferred to Gauhati to replace Mr. Som who was stabbed on the 4th July. And his first executive order after his resumption of office on the 6th August was to ban the entry of all Calcutta papers into Assam. This Mr. Ganesh Phukan happens to be a son-in-law of Shri Radhagobinda Barua who owns and controls the "Assam Tribune". Was the son-in-law there to support the paper of the father-in-law by his executive order banning entry of all Calcutta papers?

When I talk of the Assam holocaust, Sir, I cannot help mentioning that there was a premeditated plan. There were meetings in Tejpur before the disturbances urging the people there that "Tej" means blood. We shall flow blood and make the name of Tejpur permanent in the history of India", but the Government remained silent. I think the Government should be the first accused for failing to maintain law and order in spite of such meetings where such speeches were delivered.

Sir, there is enough of frustration in the people of the country : economic distress, social problems and other problems are there. That frustration is often canalised in different directions. The Government should be there, particularly in an underdeveloped country, to protect the people, and the citizens, against the mischief of such wrong canalisation of the frustration of the people.

I submit, Sir, that the resolution should not be passed only, should be put into action as well.

Shri Nagendra Kumar Bhattacharyya : Mr. Chairman, Sir, I support the resolution, but I want to add a few words specially with regard to the question of judicial enquiry by a Supreme Court Judge. With regard to this matter the resolution which we are supporting is a bit defective. I would, therefore, refer this House to that part of the resolution, viz. clause (d) "Arrangements to hold judicial enquiry into the disturbances preferably by a person who is or has been a Judge of the Supreme Court".

For what purpose? For punishment of those who have been guilty of creating them and for preventing disturbances in future. Now, what has been said on the floor of the Lok Sabha by the Hon'ble Prime Minister of India is that, first of all, there would be local inquiries and then in appropriate time there would be a judicial inquiry by a Judge of the Supreme Court. If that is done the whole object of this part of the resolution will be frustrated because there would have been some cases registered and those cases will be tried by whom? By the Assamese people, and it is no denying the fact that the Bengalees, specially the uprooted Bengalees, have absolutely no faith in Assamese Magistrates and in Assamese Judges. Therefore it was sought that there should be a judicial enquiry by a Judge of the Supreme Court, but that right has been denied and those cases will be disposed of in the manner that some of them or most of them would be acquitted and some will be let off with very light punishment. So that part of the resolution will be frustrated in that way.

Then with regard to the other part "and for suggesting measures to prevent recurrence of such disturbances", that would be a pious wish, a pious resolution. But what about the persons who had instigated these crimes. In our resolution we say nothing; we do not say that the Commission should enquire into the causes and the persons who instigated these crimes. Our resolution is silent with regard to that matter. So, Sir, I beg to submit the most important part of the resolution is defective I do not know whether it is intentionally defective or not, I do not wish to impute motive to anybody, but that resolution is defective and would ultimately turn to be an abortive one.

Sir, what is the first thing which has been said in the Constitution of India? The first thing that has been said is that we resolve to constitute India into a Sovereign Democratic Republic and to secure to all its citizens justice social, economic and political. That is the first object with which this Sovereign Democratic Republic has been constituted and that is being denied—justice is being denied to these people. Then, what about the responsibilities of the Central Government? That is to be found, Sir, in Article 355 of the Constitution of India. That article provides that it shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the Government of every State is carried on in accordance with the provisions of the Constitution. Sir, the responsibility of the Central Government was no less. Has the Central Government discharged the responsibilities which the Constitution placed upon it? So we are to depend for the judicial enquiry by a Supreme Court Judge on the Central Government and on the Assam Government. In my humble submission, Sir these two Governments are in the position of accused. So we cannot expect justice there and what would happen? The words "appropriate time" are very significant. It may come after two years it may come after the next General Elections or at least the report may be published after the next General Elections. So this judicial enquiry by a Supreme Court Judge will be held at a time when all signs of crimes are obliterated, when the people who would be resettled in the mean time will be coerced into submission. This is a state of things which would make a judicial enquiry by a Supreme Court Judge abortive.

Sir, there is no time for me to say anything more. So with these words, Sir, I beg to submit that, that part of the resolution is defective and ought to have been drafted more closely and for the sake of unanimity only I support this Resolution.

[10-20—10-30 a.m.]

Shri Nirmal Chandra Bhattacharyya : Mr. Chairman, Sir, the problem before us is so very comprehensive and so very difficult that it is hardly possible to do justice even to a fringe of the problem in course of the short time at my disposal. I have to compress many ideas within the space of say five to seven minutes. If I speak extempore, I would not be able to do so. Therefore, today, Sir, as a sort of change, as a novel departure, I have decided to read out a speech, but believe me, Sir, that I will not tax your patience in any way.

Sir, the holocaust in Assam is the most gruesome tragedy that India has had to face since Independence. It is a challenge to the unity of India and to the fundamental rights and democracy as conceived by our Constitution. What has happened in Assam is comparable to the Jewish pogroms and the anti-Jewish drive of the Nazi hordes of Hitler. The plan in Assam is to extirpate the Bengalee Hindus from the soil of Assam. It is not merely a riot, a disturbance, but a plan to remove Bengalees with their bags and baggages from the soil of Assam. This plan has been matured through the years. Since 1946 the Assamese leaders have been hatching a conspiracy to dominate the Bengalees in Assam and, if possible, to expel them from what they have claimed to be the land of the Assamese alone. Under the census of 1931 the Bengalees were 39½ lakhs, the Assamese 20 lakhs, and the tribals 13½ lakhs. In order that the Bengalees, the majority community in Assam, might be reduced to a minority, the first step that the patriotic leaders of Assam took was to adopt a policy of masterly inaction. When after the partition decision the plebiscite for the determination of the future status of Sylhet took place in 1947 the "Assam Tribune", the mouthpiece of the Assamese leaders, in its editorial of the 23rd July, 1947 wrote as follows : "The case for Assam is clear. They do not want to retain any part of Sylhet District. The proposal to demand a few Thanas seems quite uncalled for.". The Muslim Superintendent of the Assam Government Press managed to get printed false ballot papers and handed them over to the Muslim League which was operating in the interest of Pakistan in Sylhet. The Assam Government connived at it. The greater part of Sylhet District went over to Pakistan as a result of the plebiscite. Thus by one stroke the Bengalee population was reduced from 39½ lakhs to 17½ lakhs. On the transference of Sylhet to Pakistan the "Assam Tribune" wrote : "The Assamese public seem to feel relieved of a burden". Soon after Independence Shri Gopinath Bardoloi, Chief Minister, made a declaration reported by the "Shillong Times" on the 29th of August, 1947, as follows : "The newly accepted policy of this Government was "Assam for Assamese". Mahatma Gandhi made a significant comment on the speech of Shri Bardoloi. He said "I have noticed the view expressed that Assam belongs exclusively to the Assamese. In India if that spirit were to enter into every Province, to whom then would India belong"? Even Sir Akbar Hydari, a Governor of Assam, declared in flagrant violation of the fundamental rights guaranteed by the Constitution that Bengalees were "strangers"

in Assam and they must assamise themselves if they were to expect equality of treatment. In pursuance of the policy of Assamisation frequent organised attacks have been let loose on the Bengalees in Assam in 1948, 1955, 1958 and finally in 1960.

Every time the pogrom is formulated. The pogrom recently formulated in the notorious book "মাটি কাৰ",—to whom does the land belong. The methods are murder, loot, arson, criminal assault on women, attack on children and wanton destruction of property. The pogrom of 1960 is the culmination of the anti-Bengalee drive for total expulsion of the Bengalees from the soil of Assam. The barbarities committed on the Bengalees in Assam come within the purview of the genocide. The convention adopted by the United Nations in 1948 according to which the destruction or the attempt at the destruction—I am quoting—of a national, ethical, racial or religious group is recognised as a crime in international law. Moreover, it is also noteworthy that the crimes against the Bengali population of Assam constitutes gross violation of the social, economic, cultural and political rights formulated by the United Nations in the universal declaration of human rights of 1948. The Prime Minister has declared that linguistic fanaticism is partly responsible for this holocaust. I may humbly beseech him to refresh his memory. 11 years ago members of the Constituent Assembly from the Hindi speaking areas of India representing a minority of 42·01 percent of the entire Indian population succeeded by clever manipulation in imposing by a very narrow majority Hindi as the official language of India on a majority of 57·09 percent of the people. It was this outrageous act of linguistic imperialism which was bound to give rise to aggressive linguism nearly in all the States of India except Bengal and Kerala. The worst expression of this linguistic Chauvinism set in motion by Hindi imperialists is the tragedy of Assam. Assamese is the State language became the battlecry of the Holy Crusaders in Goreswar and Nowgaon and in other places. Assamese patriots have improved upon the Hindi Chauvinists that have been systematically working on the Nazi Principle—one State, one language, one culture, one Assamese nation. Or in other words they believe in Assamisation of the Bengalees.

Their peremptory command to the Bengalees is "Assamise yourselves and stay in Assam otherwise leave our land". In the name of the Constitution of India, the Bengalees in Assam have refused to accept this position. The people of Bengal are united today. What they demand is nothing more and nothing less than justice as laid down in the Constitution. We demand an immediate enquiry into the Assam tragedy which alone can restore confidence in the minds of the refugees. What is at stake is not the interest of the Bengalees in Assam but the sanctity of the Constitution and the national unity of India. After the Jalianwala Bag Massacre, Mahatma Gandhi, Chittaranjan Das and Motilal Nehru demanded an immediate enquiry. The delayed enquiry by the Hunter Commission did not satisfy any of them. The Assam holocaust is worse in a sense than Jalianwala Bag tragedy in so far as the former threatens the very unity of India. It is a great pity that the Prime Minister could not find his way to accept the proposal of West Bengal Legislative Assembly for an immediate enquiry. The Legislative Council will, I trust, endorse unanimously the resolution moved by the Leader of the House. If the demand of Bengal voiced by its legislature is not heeded,

if Bengal is denied justice, she will not hesitate to take resort to desperate remedies.

Shri Rabindra Lall Sinha : মাননীয় অধ্যক্ষ মহাশয়, এই সদসেব মাননীয় বেতা আসাম পরিচ্ছিতি সম্বন্ধে যে বিশেষ প্রস্তাব উৎপাদন করেছেন আমি তা' সর্বান্তকৰণে সমর্থন করছি। বিগত জুলাই মাসের প্রথম দিকে আসামে যে বৰ্বৰতার অভিযান হয়েছে তা' সারা ভারতবর্ষকে যদিও নাড়া দিয়েছে কিন্তু বাঙালীর দায় রক্ষাকৃত করেছে। আসামের এই ঘটনা যে শুধু আমাদের মহান সংবিধানে প্রদত্ত মৌলিক অধিকারগুলোকে কৃষ্ণ করেছে তা' নয়, মানবের মানবিক অধিকারকে পদ্ধতিপূর্ণ করেছে। আজকে ভারতবর্ষ চৰম বিপদের সম্মুখীন। আসামের এই বৰ্বৰতার অভিযানে বাঙালীর জীবন, সম্পত্তি ও গৃহ বদি হয়েছে কিন্তু তাৰ চেষ্টেও বড় কথা হচ্ছে যে আজ বলি হতে চলেছে সারা ভারতের ঐক্য। যে প্রকাশ কৰণে এই বৰ্বৰতার অভিযান কৰা হয়েছে তা' যদি দ্বীপকার কৰে নেওয়া হয় তাহলে বলা যে ভারতের ঐক্য চিৰদিনের মত বিনষ্ট হতে চলেছে। কাজেই এবিষয়ে আমি শুধু সরকারী দলের কাছে নয়, দলমতনিৰ্বিশেষে দেশের প্রকৃত গণতান্ত্রিক নেতৃত্বের কাছে আবেদন জানাব যে এসম্বন্ধে তাঁদের সবিশেষ সচেতন হওয়া উচিত।

[10-30—10-40 a.m.]

আজকে আমাদের ব্যাপারে আমরা যে বিচার বিভাগীয় তদন্তেৰ কথা বাবৰাব কৰে বলছি সেটা প্ৰতিহিস্তাৱ বশবৰ্তী হয়ে নয়—আমৰা মনে কৰি যে, যেখানে এইৰকম অগ্রায় অনুচ্ছিত হয় সেখানে অগ্রায়কাৰীদেৱ যদি শাস্তি দেয়া না হয়—তাহলে অগ্রায় অন্তত আঞ্চলিকাশ কৰতে পাৰে। কাজেই এই অগ্রায়েৰ মূল অনুসন্ধান কৰে ভবিষ্যতে থাকে এই অগ্রায়েৰ পুনৰাবৃত্তি না ঘটে তাৰ জন্য আমাদেৱ সকলেৰ সক্রিয় হওয়া উচিত এবং তাৰ জন্য যথাযথ তদন্ত হওয়া উচিত। আজকে এই প্ৰসঙ্গে একটা কথা বলবো। আমি পশ্চিমবাংলাৰ মানব বাঙালী—আমি গব' অভিভাৱ কৰছি এই বলে যে চৰম উত্তেজনাৰ মুহূৰ্তে ষ্ঠন উভেজন। ছড়িয়ে দেবাৰ প্ৰচেষ্টাও চতুৰ্দিকে ছিল ষ্ঠনও বাঙালী তাৰ সংযম হাৰায়নি, বাঙালী প্ৰতিবাদ কৰেছে কিন্তু আসামেৰ ঘটনাৰ পুনৰাবৃত্তি বাংলায় ঘটতে পাৰেনি এবং তাৰ জন্য পশ্চিমবাংলাৰ মঞ্জীমঙ্গলী এবং পশ্চিমবাংলাৰ সরকাৰ যে দৃঢ় ব্যৱহাৰ অবলম্বন কৰেছেন তাৰ জন্য আমি তাঁদেৱ অভিনন্দন জাৰিচি। আজকে আৰো সুখেৰ বিষয় এই যে আসামেৰ এই প্ৰচাৰ সবৰাদী সম্মতিৰ বিধানসভায় গৃহীত হয়েছে এবং বিধান পৰিয়দেৱ সৰ্ববাদীমূল্যতরণে গৃহীত হবে এটা আমি আশা কৰি। দেশেৰ এই চৰম হৃদিনে দেশেৰ চৰম বিপদ এবং হত্তাগজ অবস্থাকে যদি দলীয় ব্যাৰ্থে কথনও প্ৰয়োগ কৰা হয় তাহলে যাবা এই কাজ কৰবেন তাৰা চিৰাদিন নিশ্চিত এবং স্থিতি হয়ে থাকবেন দেশেৰ আপামৰ সাধাৰণ মাঝৰেৰ কাছে। অবশ্য দেখা যাচ্ছে যে এটাকে কিছু কিছু অন্ত কাজে লাগাবাৰও প্ৰচেষ্টা আছে কিন্তু তা সহেৱ আমি বলবো যে মোটাঘুটি সকল দলেৰ মেত্ৰহৈ আজকে একে বিশেষভাৱে নিন্দা কৰেছেন। কংগ্ৰেস সম্বন্ধে বজুবৰ সত্যপ্ৰিয়বাৰ ২১টা কথা বলেছেন যেটা তিনি আজকে এখানে না বলেও পাৰতেন। তাৰ বোধহয় জানা নেই যে কংগ্ৰেস গণতান্ত্রিক প্ৰতিষ্ঠান এবং এটা গণতান্ত্রিক প্ৰতিষ্ঠান বলেই পশ্চিমবাংলা কংগ্ৰেস তাৰ মতামত এবং পশ্চিমবাংলাৰ মাঝৰেৰ মতামত সাংগঠনিক দিকে এবং শাসনতান্ত্রিক দিকে কোন দিকেই অৰ্থাৎ সৱকাৰ এবং কংগ্ৰেস সংগঠন কেউই অকৃষ্ণ ভাষায় অকাশ কৰতে বিধাৰ্যোধ কৰেনি, ডে পায়নি। আজকে যাবা মনে কৰেন যে পশ্চিমবাংলায় আসামেৰ মত ঐৱকম একটা অবশ্য সৃষ্টি কৰলে ভাল হয় আমি তাঁদেৱ সঙ্গে একমত নহোৱা আজকে যাবা একধা মনে কৰেন—অবশ্য ইচ্ছা কৰে কেউ এটা যনে কৰেন না—তাৰে বিশেষ কৰে চিঞ্চা কৰে দেখতে হবে যে তাৰে কাৰ্যকলাপেৰ ফল খোলে গিয়ে দাঙীয়া কি না। আজকে আসাম সৱকাৰ নিশ্চয়ই দোষী কাৰণ সৱকাৰেৰ হাতে ছিল আইন-

শৃঙ্খলা রক্ষার ভাব—অবশ্য এটা সামরিক অফিসারের প্রশ্ন—কিন্তু ভাবলেও সেই আইন ও শৃঙ্খলা রক্ষা করতে আসাম সরকার পারেননি। আসাম সরকার নিশ্চয়ই দোষী কিন্তু বুকে হাত দিয়ে বলুন তো আর কোন রাজনৈতিক দল দোষী নয়। আজকে যখন আসাম ক্ষেত্রে পড়ার উপক্রম হয়েছে, উভেজনা চরমে আছে তখন কেন ভারায় প্রকল্প বিধানসভায় ঐরকমভাবে আলোচন করুন করা হোল, বিধানসভার বাইরে আলোচন করুন করা হোল। শুধু চালিহাকে বধ করবার জন্য এটা কংগ্রেসী বড়স্তুর নয়, মেখানে মকলেই ছিলেন কিন্তু কংগ্রেসের সংসাহস আছে, কংগ্রেস কর্মীরা অস্তুত: বলতে পারে যে কংগ্রেস সরকার সর্বত্র কর্তব্য সম্পাদন করতে পারেননি। আমি আশা করবো বিরোধীপক্ষের বক্তুদের সংসাহস ধার্কাৰ একথা বলছি যে তাঁদের নেতৃত্ব আসামে বিশেষ করে ব্যর্থ হয়েছে এবং তাঁদের কর্মীরা মেধানকার দৃক্ষার্থে থানিকটা লিপ্ত ছিলেন। আজকে মুগ্ধত প্রশ্ন না নিয়ে পচিমবঙ্গায় এই যে সম্মিলিত দাবী কেন্দ্রের কাছে উপস্থিত করা হচ্ছে আমি বিশ্বাস করি যে সারা ভারতবর্ষকে আমাদের দাবীর ঘোষিত তা—শুধু দাবী তো নয়—একদিন বাঙালী স্বাধীনতা সংগ্রামের পুরোভাগে ছিল.....

আজকে ভারতবর্ষ যখন টুকরো টুকরো হয়ে বাবার উপক্রম হচ্ছে, ভারতবর্ষ যখন বিচ্ছিন্ন বিভক্ত হয়ে যাবার উপক্রম হচ্ছে, তখন তাকে প্রতিরোধ করার যে সংগ্রাম, ভারতবর্ষের সন্মতি ও শার্থীকৃতিকাকে বজায় রাখবার যে সংগ্রাম, সেই সংগ্রামের শহীদ ও পুরোধা হয়ে বাঙালী—এ বিষয়ে আমাদের মনে বিশ্বুমুক্ত সন্দেহ নাই।

আজ যে প্রস্তাব ভারতবর্ষের ঐক্যকে অব্যাহত রাখবার জন্য ও মানবতার ঐতিহ্য ও অধিকারকে সম্মান দেবার জন্য, আমি আশা করি সর্বান্ধীনসম্মতিক্রমে সে প্রস্তাব এখানে গৃহীত হবে।

Mr. Chairman : The Debate is over. I put the motion to vote.

The motion of the Hon'ble Kali Pada Mookherjee that—

Whereas there has been mob violence in Assam during the past few weeks, resulting in destruction of property and life and in people being forced to leave their homes and either to take shelter in Camps in Assam or to migrate to West Bengal ; and

Being convinced that the actions of the mob in Assam have created a new class of refugees in the Indian Union and are in direct violation of the fundamental rights of Citizens guaranteed under the Constitution of India ; and

Realising that as a result of these violent incidents in Assam, there has been created a sense of insecurity particularly in the minds of the Benagalees resident in Assam which prevents them from returning to their original homes and places of business and that without a complete sense of security the problem of rehabilitation of uprooted humanity cannot be solved,

This Council recommends to the Government of India to take the following measures to restore confidence and a sense of security amongst

the Bengalees resident in Assam so that they can willingly go back to Assam, namely :—

- (a) Erection, as an emergent measure, of houses to which those who have lost their houses during disturbances can return immediately ;
- (b) In order to speed up rehabilitation of the displaced persons the grant of adequate compensation to those who have during the disturbances lost their property and to the dependants of those who have lost their lives and disbursement of such compensation by a representative of the Central Government,
- (c) Re-enforcement of law and order in Assam which has been badly shaken,
- (d) Arrangements to hold a judicial enquiry into the disturbances preferably by a person who is or has been a Judge of the Supreme Court for the punishment of those found guilty of creating them and for suggesting measures to prevent recurrence of such disturbances,
- (e) Postponement of decisions regarding the Language problem in Assam until the matter has been discussed in a Conference, in which members representing groups speaking different languages in Assam can take part, and some agreement arrived at,
- (f) Arrangements for deputing a Member of the Central Government to Assam to supervise generally all measures required to restore normaly.

was then put and agreed to.

Mr. Chairman : The motion has been passed unanimously.

Messages

Secretary (Shri A. R. Mukherjea) : Sir, the following Messages have been received from the West Bengal Legislative Assembly, namely :—

(1)

“Message

The Calcutta Municipal (Second Amendment) Bill, 1960, as passed by the West Bengal Legislative Assembly at its meeting held on the 2nd September, 1960, has been duly signed by me and is annexed herewith. The concurrence of the West Bengal Legislative Council to the Bill is requested.

BANKIM CHANDRA KAR

Calcutta :

The 2nd September, 1960

Speaker,

West Bengal Legislative Assembly”

(2)

"Message

The West Bengal Estates Acquisition (Amendment) Bill, 1960, as passed by the West Bengal Legislative Assembly at its meeting held on the 2nd September, 1960, has been duly signed by me and is annexed herewith. The concurrence of the West Bengal Legislative Council to the Bill is requested.

BANKIM CHANDRA KAR

Calcutta :
The 3rd September, 1960

Speaker,
West Bengal Legislative Assembly"

(3)

"Message

The West Bengal Alienation of Land (Regulation) Bill, 1960, as passed by the West Bengal Legislative Assembly, at its meeting held on the 2nd September, 1960, has been duly signed by me and is annexed herewith. The concurrence of the West Bengal Legislative Council to the Bill is requested.

BANKIM CHANDRA KAR

Calcutta :
The 3rd September, 1960

Speaker,
West Bengal Legislative Assembly"

Sir, I lay on the table copies of the Bills and messages.

The Calcutta Municipal (Second Amendment) Bill, 1960

The Hon'ble Iswar Das Jalan : Sir, I move that the Calcutta Municipal (Second Amendment) Bill, 1960, as passed by the Assembly be taken into consideration.

This is a very small Bill which prescribes the procedure for the election of the Mayor. The House remembers as to what had happened in the last election as a result of which the matter went to the High Court and the Corporation could not hold its meeting for about two months. We have, therefore, provided that an officer of the Government should be deputed by the State Government to preside over the election of the Mayor and Deputy Mayor, so that such things may not be repeated.

With these words, I commend my motion for the acceptance of the House.

Shri Abdullah Rasul : I move that the Bill be circulated for the purpose of eliciting opinion thereon by the 25th of September, 1960.

মাননীয় সভাপতি মহাশয়, আমার এই বিল সংক্ষেপে প্রস্তাব হচ্ছে যে আগস্টী ২৫শে সেপ্টেম্বর পর্যন্ত এই বিলকে জনসাধারণের মত জানবার জন্য প্রচারার্থে দেওয়া হোক। আমার বক্তব্য খুবই সংক্ষিপ্ত। আমি মনে করি কলকাতা কর্পোরেশনের মেয়র ও ডেপুটি-মেয়রের নির্বাচন ব্যাপারে এতদিন পর্যন্ত ঘেড়াবে ব্যবস্থা ছিল, সেই ব্যবস্থা পরিবর্তন করাতে কর্পোরেশনের গণতান্ত্রিক অধিকারে কিছুটা হস্তক্ষেপ করা হবে। সেই উদ্দেশ্যে জনমতটা একটু আমাদের জানা প্রয়োজন। সেইজন্য আমি এই বিলকে সাক্রান্তে দেবার প্রস্তাব করছি।

Shri Syed Shahedullah : I move that the Bill be circulated for the purpose of eliciting opinion thereon by the 21st September, 1960.

মাননীয় অধ্যক্ষ মহাশয়, আমি এই বিলকে সাক্রান্তে দেবার জন্য প্রস্তাব করছি ২১শে সেপ্টেম্বরের মধ্যে। আমার বলার উদ্দেশ্য পূর্ববর্তী বক্তব্য বলেছেন— কলকাতা কর্পোরেশনের যে গণতান্ত্রিক ঐতিহ্য, তাকে কুঠ করা হচ্ছে, এই হৃতে আমি বলতে চাই যে বারবার এরা যখনই স্থানীয় স্বায়ত্ত্ব শাসনের কোন সংশোধনী পাশ করতে যান, তখনই তাঁরা দেখাতে চান যে গণতান্ত্রিক ব্যবস্থার ফলেই যেন নানা রকম গঙ্গোল সঁষ্টি হচ্ছে; স্বতরাং তাঁর আগে অগণতান্ত্রিক প্রথায় কিছু না করলে কোন ব্যবস্থা করা যাবে না। কিন্তু আমার সেটা বোধ করছি সেটা হচ্ছে—গণতন্ত্র বেঁচি পাকার জন্য গঙ্গোল হচ্ছে তা নয়, বরং গণতন্ত্রের স্বতন্ত্র জন্য যে ভাবে সমস্ত জিনিব মনোনয়ন করে নির্বাচন মণ্ডলীকে সংকুচিত করে এবং ভোটের ক্ষমতা সংকুচিত করে যে ভাবে গণতান্ত্রিক ব্যবস্থাকে কম করে রাখা হয়েছে তারই জন্য গঙ্গোল বেঁচি হতে পারে। এই বিষয় বারবার সরকারকে বলা হয়েছে এবং তাঁতে জনমতও রয়েছে যে আরও বেঁচি করে গণতন্ত্র স্বায়ত্ত্বান্তরে দেওয়া হোক আমাদের পশ্চিম বাংলায়। অস্থান্ত রাজ্য যা রয়েছে এই রাজ্যে করার জন্য বারবার সরকারকে বলা হচ্ছে, কিন্তু তা এখানে করা হচ্ছে না। টুকরা টুকরা করে নানা রকম অভিবাস নিয়ে আসা হচ্ছে যা পরে তাকে আইনের আকার দেওয়া হচ্ছে। যেমন সেদিন একটা আমাদের নির্বাচকমণ্ডলীর তাত্ত্বিক তৈরী করার ব্যাপারে কিছু গঙ্গোল উপস্থিত হওয়ার জন্য এই রকম একটা সংশোধনী নিয়ে আসা হল এবং সেটা আইনে পাশ করে নেওয়া হল।

বারবার পৌরসভার আইন সংশোধন করবার জন্য বিভিন্ন পৌরসভা থেকে দাবী করা হয়েছে, নিখিল বঙ্গ পৌরসভা সভ্য থেকে দাবী করা হয়েছে, জনসাধারণের তরফ থেকে দাবী হয়েছে, কিন্তু মাননীয় মন্ত্রী মহাশয়, যে সকল ভাল ভাল দাবীগুলি হিসীকৃত হয়েছে, এইরকম কোন সংশোধনী নিয়ে আসছেন না। জনমতকে অগ্রাহ করে সরকার চলেছেন এবং এই রকম ভাবে কেবল ছোট ছোট এ্যামেনেজেন্ট নির্বাচনে আসছেন। এই ভাবে যে তাঁরা সংশোধন করছেন, এর দ্বারা তাঁরা যান করছেন যে ইউনিসিপ্যালিটির শাসন ব্যবস্থার উন্নতি হবে। কিন্তু দেখা যাচ্ছে তাঁরা যা দিয়ে, যে ভাবে করতে যাচ্ছেন তাঁতে নৃতন একটা অ-ব্যবস্থা স্থুল হচ্ছে— এবং তাঁর জন্য নৃতন আর একটা এ্যামেনেজেন্টের প্রয়োজন হয়ে পড়ছে। স্বতরাং তাঁর কাছে আমার নিবেদন কলিকাতা কর্পোরেশন এবং বাংলা দেশের অস্থান্ত পৌরসভার সমস্ত ব্যাপারে যে সকল সংশোধন প্রয়োজন আছে—সেইসব সংস্করণে ভাল করে বিশেচনা করে, গণতান্ত্রিক দিক দিয়ে যেগুলি প্রয়োজন সেগুলি নিয়ে আসুন এবং তাঁর সংক্ষেপে বিল পেশ করুন তাড়াকাঢ়ি। এইটাই আমরা চাচ্ছি। এই বিল সংক্ষেপে আমার বিশেষ প্রতিবাদ আনিয়েছি। এবং সেইজন্য আমি চাচ্ছি—এই বিলটি জনগণের মতামতের জন্য সাক্রান্তে দেওয়া হোক।

[10-40—10-50 a.m.]

Shri Nirmal Chandra Bhattacharyya : Mr. Chairman, Sir, the Calcutta Municipal Bill which is before the Council now may be described as a piece of piecemeal legislation. The Hon'ble Minister himself admitted in the past that the Calcutta Municipal Act needs a thorough amendment. I do not know why he is not bringing up any Bill likely to lead to a thorough amendment of the Calcutta Municipal Act. Sir, this demand has been put forward from this side of the House again and again but the Hon'ble Minister has not given any heed to it. Neither has he given any adequate reasons for it. So my first request to him would be to give us a fair and square reply. Why is it that he is not bring up a Bill for the thorough and radical amendment of the Calcutta Municipal Act ? Everybody admits that there is necessity for such an amendment and this amendment is being delayed. The Legislature has a right to know why it is being delayed.

In the second place, Sir, I would like to point out that some time ago I moved an amendment to the Calcutta Municipal Bill whose purpose was to adopt adult franchise in the matter of election to the Council of the Corporation of Calcutta. Now that Bill came up for discussion and the Hon'ble Minister told us that he would discuss it and he also assured us that the Committee was on the point of being appointed for the purpose of entering into the whole question, viz., adoption of adult franchise in the matter of the election to the Council of the Calcutta Corporation. I do not know what has happened. He has not also given us any reply to our enquiries in the past as to what the recommendations of the committee were. Sir, the Bill that is before us is a sort of vote of censure upon the Corporation of Calcutta, particularly upon the Council of the Corporatioid of Calcutta.

I was wondering whether the Council of the Calcutta Corporation deserve it. I have come to the conclusion after mature thought that they more than deserve it. The members of the Calcutta Corporation Council have shown inexcusable inefficiency in conducting their business as a body. Individually they are very likable persons but when they meet, all of them insist on talking at the same time and at every meeting there is pandemonium let loose. As a matter of fact, they have not been able to transact many important pieces of business because they have not been able to conduct the business of the meetings in a decorous manner. I have heard from high-placed officials of the Corporation that because of the inefficiency of the Council of the Corporation heaps of business have accumulated in different departments which need the sanction of the Council of the Corporation. So if we judge the Corporation Council from these points of view, we cannot but come to the conclusion that they deserve this vote of censure.

Sir, I support the substance of the Bill but at the same time I feel that this Bill should have been a more comprehensive one and should have included adult franchise as the method of election to the Council of the Calcutta Corporation. It is for this reason that I have tabled a circulation motion.

Shri Nagendra Kumar Bhattacharyya : Mr. Chairman, Sir, I beg to support the amendment which has been so ably moved by the previous speakers. Sir, I cannot support Professor Bhattacharyya when he says that the Councillors and Aldermen of the Calcutta Corporation deserve such distrust. This Bill seems to amend the Calcutta Municipal Act in a way which is most undemocratic. From one instance, you cannot and should not call a person undeserving. Professor Bhattacharyya reminds me that there are thousands of such instances. I do not share the view which he has expressed but what I do submit is that this is most undemocratic. This set of Councillors and Aldermen will not continue for all time to come but if the Calcutta Municipal Act is amended in the way it is suggested in this Bill, this will remain for ever. So I would submit, Sir, that the Bill should be circulated with a view to elicit public opinion. Opinion of a single individual may not count but the collective opinion of the people of Calcutta should have some weight with regard to this matter.

With these words, Sir, I support the amendment which has been moved so ably by Mr. Abdullah Rasul and Mr. Syed Shahedulla.

Shri Mohit Kumar Moitra : মাননীয় অধিক মহাশয়, কলিকাতা মিউনিসিপ্যাল বিলের সংশোধনী প্রস্তাব পরিষদের সামনে আনতে গিয়ে, মাননীয় স্বায়ত্তশাসন মন্ত্রী মহাশয় বলেছেন যে কলকাতা কর্পোরেশনের মেয়র নির্বাচন নিয়ে সম্প্রতি গোলযোগ হয়েছিল এবং সেজন্ট সরকার এই বিল আনতে বাধ্য হয়েছেন। আমি যতনের জন্মি কলকাতা কর্পোরেশনের স্বায়ত্তশাসন দিয়ে গিয়েছিলেন বাট্টগুরু সুরেন্দ্রনাথ এবং সেই মিউনিসিপ্যাল অ্যাস্ট অঙ্গসারে কর্পোরেশন ৩৬ বছর ধরে চলে এসেছে।

এখানে যারা ব্যক্তি আছেন তাঁদের হয়ত স্মরণ আছে—হয়ত সে সময় স্বায়ত্তশাসন মন্ত্রী মহাশয় অন্ত কাজে ব্যাপ্ত ছিলেন বলে খবর রাখেন না।

[10-50—11 a.m.]

১৯৩০ সালে বর্তন নেতৃত্বী স্বত্ত্বচজ্জ বন্ধু এবং স্বীকীয় দেশপ্রিয় বৃতীজ্ঞ মোহন মেনগুপ্তের মধ্যে মেয়র নির্বাচন নিয়ে প্রতিষ্ঠানীতা হয় সেই সময় একদিন নয়, দিনের পর দিন কলিকাতা কর্পোরেশনের মিটিং হতে পারেনি। কিন্তু সেই সময় ট্রিটিশ শাসক এই দেশে অধিষ্ঠিত থাকলেও তাঁরা তখন স্বায়ত্তশাসন সম্পর্কে এইরকম একটা অ-গণতান্ত্রিক বিল আনেননি।

আজকে স্বায়ত্তশাসন বিভাগের মন্ত্রীকে একটা কথা আরণ করিয়ে দিতে চাই। অর্ডিনেশ্যাল আকারে তিনি বেদিন এই প্রস্তাব এনেছিলেন এবং প্রয়োগ করেছিলেন, সেই সময় সংযুক্ত নাগরিক কমিটির যে ৩৪ জন সদস্য কর্পোরেশন-এ ছিলেন তাঁরা প্রতিবাদে সেই কর্পোরেশন-এর সভাপত্র উপস্থিত হলনি। কাবৰি তাঁরা এই কথা মনে করেছিলেন যে, কর্পোরেশন খেতাবে ক্যালকাতা মিউনিসিপ্যাল আইন অঙ্গসারে চলছে সেখানে একজন আমলাত্তর থেকে অফিসার নিয়ে এসে সেই অফিসার দিয়ে সভা চালানৱ মত পরিষিক্তি প্রয়োগ হয়নি। ১৯৩০ সালে যে পরিষিক্তির উপর হয়েছিল, তাঁর চেয়ে স্বাধীনতার পর দেশ নিশ্চার্হ এগিয়ে গিয়েছে এবং গণতন্ত্রের বিকাশ আরো বেশী হয়েছে একথা নিশ্চার্হ কংগ্রেস বেঁক থেকে যারা এই বিল এনেছেন তাঁরাও স্বীকার করবেন। তাঁই যদি স্বীকার করে থাকেন তাহলে ১৯৩০ সালে সেই প্রতিষ্ঠানীতার চাপে বর্ধন দিনের পর দিন কর্পোরেশন-এর

যিটিং হতে পারেনি, সেই সময় আমলাত্ত্বের একজনকে বসিয়ে যিটিং চালাবার কথা ত্রিটিশ শাসক গোষ্ঠীও ভাবতে পারেনি। অথচ কংগ্রেস পার্টি, যারা আজকে শাসন কার্য পরিচালনা করছেন, যারা বলছেন দিন গণতন্ত্রের বিকাশ চাই, তারাই আজকে গণতন্ত্রের টুটি চেপে মাঝতে থাচ্ছেন, তারা একজন বাইবের অফিসারকে দিয়ে এই গণতান্ত্রিক প্রতিষ্ঠান চালাবার ব্যবস্থা করছেন। সেইজন্ত্রে আমরা ক্যালকাটা কর্পোরেশন-এর ষে সমস্ত ভোটার আছি, আমরা এর প্রতিবাদ করেছি এবং ক্যালকাটা কর্পোরেশন-এর যারা ইউ, সি, সি. সদস্য আছেন তারাও এর প্রতিবাদ জানিয়েছেন। ষে অর্ডিনেশন-এর বলে একজন কমিশনারকে নিয়ে এসে সভায় সভাপতিত্ব করবার ষে নীতি তচিত হচ্ছে সেই নীতির তারা প্রতিবাদ করেছেন এবং আজকে আমি সেই প্রতিবাদ এই পরিষদে কলিকাতার লক্ষ্যাধিক ভোটারের পক্ষ থেকে করছি। এবং সেইজন্ত্রে সভার কাছে এই নিয়েমে করছি ষে, গণতন্ত্রের নামে গণতন্ত্রের টুটি চেপে মেরে ফেলবেন না, আজকে আমলাত্ত্বকে নিয়ে এসে এই গণতন্ত্রের বিকাশে বাধা দেবেন না। সেইজন্ত্রে আজকে কলিকাতার লক্ষ্য লক্ষ্য ভোটারদের প্রতিনিধি যারা তারা ষে প্রতিবাদ জানিয়েছে সেই প্রতিবাদের পিছনে ষে জনমতের সমর্থন আছে সেটা বোধ্যবার জন্য আজকে এই বিলকে জনমত সংগ্রহের জন্য প্রচার করা হোক। এই আবেদন পরিষদের সকলের কাছে করে জনমত সংগ্রহের জন্য ষে সংশোধনী প্রস্তাৱ এখানে আনা হয়েছে তা সমর্থন করি।

একটু আগে আসামের উপর প্রস্তাৱ আলোচনার সময় শ্রীবৈদ্রুল সিংহ বলে গেলেন, দলের চেয়ে দেশ বড়। আজকে গণতন্ত্রের এই ষে টুটি চেপে মারাব চেষ্টা কৰা হচ্ছে—এখানে এখন শ্রীবৈদ্রুল সিংহ মহাশয় উপস্থিত নাই দেখছি—তিনি দলের চেয়ে দেশ বড় বলেছেন কিন্তু একধাৰণ মিশচ্যাই মানবেন ষে দেশের চেয়ে মাঝুষ বড়। স্বতরাঃ আজকে মাঝুষকে বকা কৰবার জন্য তিনিও আবেদন কৰবেন যেন এই বিলকে জনমত সংগ্রহের জন্য প্রচার কৰা হয়।

আব একটা কথা বলছি, মেয়ে ইলেকশন এপ্রিল মাসে হবে। এর মধ্যে জনমত সংগ্রহ কৰার সময় আছে। স্বতরাঃ তাড়াতাড়ি এই বিল পাশ কৰাবার প্ৰয়োজন নেই। এবং আমি আশা কৰবো ষে, অল্বেঙ্গল মিউনিসিপ্যাল এজেন্সিয়েশন-এর প্ৰেডিকেন্ট হচ্ছেন শ্রীবৈদ্রুল সিংহ—তিনিও এখানে এসে জনমত সংগ্রহের জন্য ষে প্রস্তাৱ কৰা হয়েছে তা সমর্থন কৰবেন। মেয়ে-এর ইলেকশন এপ্রিল মাসে হবে কাজেই এখন তাড়াতাড়ি কৰবার কিছু নেই।

Shri Dwijendralal Sen Gupta : Mr. Chairman, Sir, there is no hurry to pass the Bill through. I repeat, Sir, let us not destroy the essence of democracy by bringing legislation just to conduct the meeting even. I can refer to similar incident of 1934 but still, Sir, the then alien Government did not amend this Act in the manner in which we are doing today. If joke is permitted I will say that the Councillors have performed the Silver Jubilee ceremony, but a year later,—instead of 1959 it was 1960. But is that a ground to amend the Bill when famine, flood and pestilence have become annual or biennial affairs? We do not take care to amend the irrigation rules, our flood projects and our dams and all that but we have come just to attend to minor details where such troubles are very common in a democratic set-up. Such troubles are not unprecedented. Why this hurry? Is it to departmentalise the Calcutta Corporation through the Commissioner? I only say, Sir, let us be calculating, let us not be too much legalistic and too much narrow, so as to turn the amendment into something which will really destroy the very basis of democracy, we are very fond of, and by which we always swear both here and in the Lok Sabha and in the Constitution.

The Hon'ble Iswar Das Jalan : Sir, I do not think that we are taking away any democratic right. An election is to be fair and free and it is the duty of the Government to provide for an election which is fair and free. We have noticed in the last election what happened and I should simply quote the judgment of the High Court and that will satisfy the House that what happened was not a thing which should have happened. This is the judgment of the High Court : "As regards the meeting held by the Corporation on the fateful day many hard things could be said. It is however unnecessary to waste time over it as no real improvement can be expected unless it is inculcated in our City Fathers a greater sense of civic responsibilities. Much of what happened in the meeting can be ascribed to the sphere other than municipal. The best interests of the rate-payers of the city did not motivate those who contributed to the dramatics of the occasion but a mere scramble for power, otherwise it cannot be explained how so many sensible and worthy men can solemnly sit together and waste public time and money on debating the most ridiculous proposition, namely, that there being a vote of confidence within the previous six months in the Mayor he need not get himself elected or about the application of rule 17 g)(1) of the Rules of Business which has not the remotest application to the facts of this case."

Therefore, Sir, it is no fault of ours that we have to bring forward this Bill but the responsibility must lie with those who abused the powers which are vested in them, and naturally the Government cannot look to the Corporation not functioning for two months and the whole of the city of Calcutta should suffer simply because of certain procedure which may be thought fit to be adopted by the Councillors

[11—11-10 a.m.]

That is the reason why we have provided that an independent person who has got nothing to do with party politics should go there, take the votes and get away. As soon as the Mayor is elected, he has got nothing to do with the proceedings of the meeting. Just as a Returning Officer or a Polling Officer he is an officer no doubt. He takes the vote, records the vote, declares who is elected and goes away. The procedure which is followed in the Corporation is that instead of everybody going to the ballot boxes or somewhere else to cast his vote, the vote is taken in the meeting itself. Therefore, necessarily the person who goes there, he has to preside over the meeting and he has to take the votes. His simple duty is that he should not be biased by one party or the other and he should be above all this. Certain suggestions did come as to whether we could not nominate one of the Councillors or Aldermen to preside. We thought that we might be charged with partiality if we nominate A and not nominate B, and if we nominate a member of a particular Party and not nominate a member of the other party. That is the reason why we wanted that there must be somebody who has got nothing to do with politics of the Corporation and who would run the election fairly and freely. It is in vindication of the democratic rights of the people that we have provided this method of election, viz., that there should be somebody to preside who has got nothing to do with the politics of the Corporation.

With these words I commend my motion for the acceptance of the House and I oppose all amendments for circulation.

The motion of Shri Abdullah Rasul that the Calcutta Municipal (Second Amendment) Bill, 1960, be circulated for the purpose of eliciting opinion thereon, by the 25th of September 1960 was then put and lost.

(The other motions fell through.)

The motion of the Hon'ble Iswar Das Jalan that the Calcutta Municipal (Second Amendment) Bill, 1960, as passed by the Assembly, be taken into consideration, was then put and agreed to.

Clauses 1, 2, 3 and 4

The question that clauses 1, 2, 3 and 4 do stand part of the Bill was then put and agreed to.

Preamble

The question that the Preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Iswar Das Jalan : Sir, I beg to move that the Calcutta Municipal (Second Amendment) Bill, 1960, as settled in the Council, be passed.

The motion was then put and agreed to.

The West Bengal Estates Acquisition (Amendment) Bill, 1960

The Hon'ble Dr. Bidhan Chandra Roy : Sir, I beg to move that the West Bengal Estates Acquisition (Amendment) Bill, 1960, as passed by the Assembly, be taken into consideration.

Sir, the members will recall that the amendment to Estates Acquisition Bill was placed before the Assembly sometime back. A Select Committee was appointed and they made certain recommendations, but eventually it was found that some of the proposals were so complicated that it was not possible to proceed with the Bill, as amended and the Member-in-charge, Shri Binjal Singh, asked the permission of the Assembly to withdraw the finding of the Select Committee and also the Bill. But our difficulty was this. In the West Bengal Estates Acquisition Act apart from other provisions there is a provision for preparing a compensation roll. Members will recall that although the estates have vested in the Government, the people who owned the property, i.e., intermediaries, would naturally look for quick compensation being paid to them. Our difficulty was that certain provisions of the Act, as they stood, so far as the preparation of compensation roll was concerned, required some change. In order to remove those difficulties and expedite the preparation of

the compensation roll it was found necessary to amend certain provisions of the Act. The West Bengal Estates Acquisition (Amendment) Ordinance which was promulgated on the 18th June, 1960, removed those difficulties by laying down a simplified procedure for the preparation of Compensation Roll and also removing certain lacuna. The present Bill seeks to enact the provisions of the Ordinance. We are very keen that the Compensation Roll should be prepared as early as possible and the compensation be paid to the intermediaries, particularly the small ones. The Ordinance having been passed on the 18th June necessary steps were taken to prepare the compensation rolls on the basis of the provisions of the Ordinance.

Now, Sir, I will refer to the more important provisions of the Bill which is contained in clause 3 which exempts certain classes of lands from the operation of this Act, it says that it shall not apply to any land held by a Corporation, not being a local authority or a Company, established by or under any law for the time being in force. If you look at the original Act you will find that while the original Act contains provision in section 6 as to what would happen if the land is held by an intermediary or a local authority or what would happen if the intermediary was a cooperative society registered under the Co-operative Societies Act or a company registered under the Companies Act, there was a lacuna as to what would happen if a land belonged to a corporation which is neither a company or the property is not owned by a statutory body. Sir there are many corporations such as the D.V.C., the Electric Supply Corporation, the Transport Corporation, the West Bengal Development Corporation and so on. These Corporations have to acquire lands for their own purpose. The question is whether those lands should be governed by the Estates Acquisition Act. We want they should be controlled by this Act. There is another thing. In 1950-1951 and 1952 we asked many owners to give us their lands for the purpose of rehabilitating the refugees. In order to meet the emergency the State Government took possession of the lands so that all the formalities of the Land Acquisition proceedings had not been completed and there was no time for it. We suggested that in the Bill there should be provision for land possession of which was taken by the State Government before the issue of notification under section 4 in furtherance of any proposal for acquiring such land, whether any formal proceeding for such acquisition were started or not, and proceedings for acquisition of such land may be continued or commenced as if this Act had not been passed. This is an essential proposition. There are many owners big or small depending upon the assurance from Government. That is the second provision in the Bill.

Then again there are many local authorities who held land and had to lease out. If you look at the original Act which says "where the intermediary is a local authority—land held in khas for public purposes by such authority, notwithstanding such land or any part thereof may have been let out by such authority".

[11-10-11-20 a.m.]

Sir, those words "let out" have caused some amount of difficulty and cases were started before the court on this account. Supposing a municipality has got 500 acres of land which they have acquired for the purpose

of dumping refuse. They do not require the whole of the land. So, possibly they let out a portion of the land. So we felt that the meaning of the words "let out" should be clearly defined, viz., that if a local authority owns a land and lets it out, it should be on the basis of a license and not a lease so that no permanent occupancy right can accrue. That is one of the provisions of this Bill. We have seen in the papers yesterday that the High Court has agreed to allow the Calcutta Corporation to continue holding the land. But the words "let out" might cause some difficulty. That is why it has been attempted to clear up the position.

Then, Sir, the other provision in the Bill relates to simplification of the procedure for preparation of the compensation roll under section 14 of the Act. The Act says that the Compensation Officer shall, in respect of a notified area, prepare a compensation assessment roll within a certain period. Now, Sir, this had created some difficulty and prolonged the period for preparing the compensation rolls. The language is "The Compensation Officer shall, in respect of a notified area" Now, supposing there are 100 intermediaries in a notified area. Unless and until everyone of the persons who are residing in that notified area supply the particulars, no roll can be prepared. So, the preparation of compensation rolls has been simplified under sections 6, 7, 8 and 10 of this Bill. It has been proposed that the lands of the intermediaries in a notified area and not a notified area would be assessed and they will be asked to give certain information, etc.

Now, under clause 9 of the new Bill, it is proposed to exclude the income from the khas land, retained by an intermediary, from his gross income. If a man is allowed to retain 25 acres of lands, the income from that 25 acres should not be included in the compensation roll. Under section 16, provision has been made for the imposition of a penalty so that an intermediary may not submit an incorrect statement. Section 15 says that within one month of the publication of the compensation assessment roll under section 14, an intermediary may file before the Compensation Officer an objection, etc. Then it says that an intermediary having estates or interests in any other area or areas shall submit to the Compensation Officer a statement in the prescribed form containing particulars of all his estates and interests wherever situated and the income therefrom. So, this has been made clear in the proposed provision.

Sir, these are the main provisions of this Bill and I hope the House will accept it.

Shri Sasanka Sekhar Sanyal : Sir, may I ask one question? For some time past for a good number of years the State is acquiring from time to time estates from different outgoing proprietors. Now, one thing from which the village area—the village area as well as the urban area suffers is the paucity of grazing grounds. Has your Government taken up the matter of making a territorial planning all over the State in order to make it possible for people in inhabited areas to have their cattle the opportunity of grazing on grassy land? Before the Estates Acquisition Act came into operation the outgoing proprietors settled their land with the cultivators and there was no grazing land left. So cattle were

decaying and to arrest decay it is necessary to provide the grazing ground. Is the Government making a territorial planning for making available grazing ground for the cattle all over the State?

The Hon'ble Dr. Bidhan Chandra Roy : While I appreciate the point of view of my friend Shri Sasanka Sekhar Sanyal, may I say that the present Bill does not indicate in what manner the land retained by a local authority should be used by them. The local authority have got their own law and Act; and whether they use the land for grazing ground or for any other purpose it is generally for the municipality to decide. It cannot be provided for in the Bill. But I can certainly ask my friend the Minister of the Local Self-Government Department to refer this matter to the different municipalities to see that they do it. But you cannot do it in this Bill.

Shri Abdullah Rasul : I move that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th of September, 1960.

ମାନ୍ୟମୀର ସଭାପତି ମହାଶୟ, ଓଯ়েଲ୍ ବେଙ୍ଗଲ ଏଷ୍ଟେଟସ ପ୍ରାକୁରିଜିସନ ବିଲ, ୧୯୬୦—ଏ ମସକେ ଆମାର ଅଞ୍ଚଳ ଏହି ସେ ଏହି ବିଲକେ ଜନମତ ସଂଘରେ ଅନ୍ତା ଆଗାମୀ ୧୫ଟି ସେପ୍ଟେମ୍ବର ପର୍ଯ୍ୟନ୍ତ ପ୍ରାଚାରେ ଦେଇଯାଇଛା । ଏଷ୍ଟେଟସ ପ୍ରାକୁରିଜିଶନ ଏକାଟ ଆଇନଟା । ଅତ୍ୟନ୍ତ ଗୁରୁତ୍ୱପୂର୍ଣ୍ଣ । ନୁତ୍ରରାଂ ତାର କୋନ ସଂଶୋଧନୀ ଉପ୍ରୟୁକ୍ତ ପ୍ରକରଣ ନା ଦିଯେ ବିବେଚନା କରା ଭୁଲ ହେବ । ଏହି ଆଇନରେ କୋନ ସଂଶୋଧନ କରା ମସକେ ସରକାରେ ଜନମତ ମେଉୟା ପ୍ରୋତ୍ସମ । ଗତ କଥ ବ୍ୟସର ଥିବେ ଏହି ଆଇନ ଜାରୀ ହେବୁ ଆହଁ । ଏହି କଥ ବ୍ୟସରେ ମଧ୍ୟ ଆଇନ ଯେବାବେ କାର୍ଯ୍ୟକାରୀ ହେଯେଛେ—ମେ ମସକେ ଆମାଦେର ଅଭିଭାବ ଥିବେ ଆମରା ମନେ କରି ଏବଂ ଅନେକ ଅଧିନ ଧାରାର ଉପ୍ରୟୁକ୍ତ ସଂଶୋଧନ କରା ଅପରିହାର୍ଯ୍ୟ ହେବେ ପଡ଼େଛେ । ଆଇନରେ ଫାଁକ ଦିଯେ ପ୍ରତିକର ଜମି ବେ-ଆଇନିଭାବେ ହତ୍ସାନ୍ତରିତ ହେବେ, ବହ ଜମି ବେ-ନାମୀ କରା ହେଯେଛେ । ଏକ ସମୟେ ସରକାର ପକ୍ଷ ଥିବେ ଏହି ଧାରଣା ଦେଇଯା ହେଲି ଯେ ଏଷ୍ଟେଟସ ପ୍ରାକୁରିଜିଶନ ଏକାଟ ଅମୁସାରେ କାଜ କରା ହଲେ ଅନ୍ତଃଃ ୬ ଲକ୍ଷ ଏକର ଜମି ସରକାରେ ହାତେ ଜମିଦାରଙ୍କର ଖାସ ଜମି ଥିବେ ଉପ୍ରୟୁକ୍ତ ହିସେବେ ଆସିବେ ଏବଂ ମେଇ ଜମି ଗରୀବଙ୍କରେ ମଧ୍ୟ ବ୍ୟଟନ କରା ହେବ । କିନ୍ତୁ ଆମରା ଏ ପର୍ଯ୍ୟନ୍ତ ଯା ଦେଖିବେ ପାଇଁ—ତାତେ ମନେ ହେ ବୁ ଲକ୍ଷ ଏକର ଜମି ପାବାର କୋନ ବକରମ ସନ୍ତାନା ନାହିଁ—ମେଟା ଗଭରମେଣ୍ଟ ପୂର୍ବେ ସେ ଧାରଣା ଦିଯେଇଲି—ତାତେ ଅନ୍ତରେ ହିସେବେ ଭୁଲ ଛିଲ ଥିଲେ ସେ ତା ନାହିଁ, ଆଇନରେ ଫାଁକ ଏତ ବେଳୀ ଛିଲ ସେ ତାର ଫଳେ ମଧ୍ୟ ଉପ୍ରୟୁକ୍ତ ଜମି ସରକାରେ ହାତେ ଏମେ ପୋଛାଯା ନାହିଁ । ମେଇ ଫାଁକର ନାମେ ଏଟା ଓ ଉଲ୍ଲେଖ୍ୟାଗ୍ରହି ସେ ଆମାଦେର ପ୍ରାଣସନିକ ବ୍ୟବସ୍ଥାର ମଧ୍ୟ ଜନଶାର୍ଥର ପ୍ରାଚି, କୃଷକ ଶାର୍ଥର ପ୍ରାଚି ଦରବାର ଏତ ବେଳୀ ଦେଖିବେ ପାଇୟା ଯାଏ ସେ, ମେଇ ଦରବାର ଆଇନରେ ଫାଁକକେ ଆରୋ ବେଳୀ ପ୍ରକଟ କରେ ଦିଯେଇବେ ।

ଏହି ମଧ୍ୟ ବିଷୟଗୁଣି ଏତ ସେବୀ ଗୁରୁତ୍ୱପୂର୍ଣ୍ଣ ସେ ଜୟ ମାନ୍ୟକାନ୍ତାବେ ଏଷ୍ଟେଟସ ପ୍ରାକୁରିଜିଶନ ଏକାଟରେ ସଂଶୋଧନ ଅନେକ ପୂର୍ବେ ହେଇଯା ଉଚିତ ଛିଲ । ମେଦିକ ଥିବେ ଉପବୋଗୀ ଏକଟା ବିଲ ସରକାର ଆଜି ପର୍ଯ୍ୟନ୍ତ ଆନେବାନି, ସଦିଓ ଜନମତେ ଦିକ ଥିବେ ଓ ବିଭିନ୍ନ ଦିକ ଥିବେ ଏବିଷୟରେ ଦାବୀ ତୋଳା ହେଇଲି ।

ସେ ବିଲଟା ସରକାର ଏଥାମେ ନିଯେ ଏମେହେନ, ଏ ବିଲ ସାଧାରଣତଃ ବଳିତେ ଗେଲେ କତକଗୁଣି ଟେକ୍ନିକିଯାଳ ବିଷୟରେ ମନ୍ତ୍ରେ ଜାରି ରହେଛେ; କତକଗୁଣି ଖୁଟିନାଟି ବିଷୟ ନିଯେ ଏହି ବିଲେ କତକଗୁଣି

ধারা ধারা হয়েছে ; তাতে কোন কোন বিষয়ে স্থুবিধি হতে পারে । তার বিকলে আমার বক্তব্য নয় । ক্ষতিপূরণ এসেসমেন্ট রোল ইত্যাদি বিষয় আছে, তা ভাল হতে পারে । আইনের মধ্যে কেবল সেই বিষয়গুলির প্রতি যদি আমরা দৃষ্টি নিবন্ধ রাখি এবং প্রধান বিষয় উপেক্ষা করে চলি—তাহলে এই আইনের ধারা যে জনস্বার্থ বক্তা করা প্রয়োজন ছিল বা উচিত ছিল, তা এর ধারা সম্ভব হবে না ।

বিলের তৃতীয় ধারায় বলা হয়েছে যে আইনের তৃতীয় ধারার সংশোধন করা হচ্ছে, তাতে মাত্র একটা প্রভাইসে ঘোগ করা হচ্ছে । তাতে এই কথা লেখা আছে—

Provided that nothing in this Act shall apply to any land held by a Corporation, not being a local authority or a Company.

এই যে কর্পোরেশন সংস্করে কথাটা আছে—যদিও এই বিল উত্থাপন করে মুখ্যমন্ত্রী মহাশয় কিছু ব্যাখ্যা করেছেন, তাহলেও মনে হলো এই কর্পোরেশনের ব্যাখ্যাটা স্পষ্ট হয় নাই । এ সম্পর্কে আরো কিছু স্পষ্ট করে না দিলে সংশোধন করা আমাদের পক্ষে কঠিন হয় !

বিত্তীয়ত : আর একটা জিনিশ আছে বিলের চতুর্থ ধারায়ও একটা প্রভাইসে রাখা হয়েছে । মেখানে লোকাল অধরিটি সম্পর্কে যা বলা হয়েছে—

“Provided that where any land which has been let out by any local authority is retained by such authority under this clause, no person holding such land shall have any right of occupancy therein, and every such person shall be bound to deliver possession of the land to the local authority when required by it for its purposes.”

এখানে আমার একটা আশঙ্কা আছে যে লোকাল অধরিটি অনেক সময় অমনভাবে কাজ করতে থাকেন যে তার ক্ষেত্রে শুধু সাময়িকভাবে বা অস্থায়ীভাবে বন্দোবস্ত দেওয়া জমি তাঁরা তাঁদের প্রয়োজন অনুসারে ফেরত নিতে পারেন তাই নয়, গ্রামসমূহ অধিকার থেকেও অনেক সময় প্রজাদের বক্ষিষ্ঠ করা হয় । সেইভাবে বক্ষিষ্ঠ করলে যে ক্ষতি হয়, তার ধারা এই বিল যে উক্তেব্যে রচিত, তা সাধন হবে না । সেইজন্য আমি মনে করি এই বিলকে সার্কুলেশানে দেওয়া হোক । আর তার জন্য ১৫ই সেপ্টেম্বর পর্যন্ত সময় দেওয়া হোক ।

[11-20—11-30 a.m.]

Dr. Janaki Ballabha Bhattacharyya : মাননীয় সভাপতি মহাশয়, আমি ধারা ছুটা কথা আপনার মাধ্যমে মাননীয় মুখ্যমন্ত্রী মহাশয়কে বলতে চাই । একটা হচ্ছে যে সমস্ত জমি টেট আকুইজিশনে নেওয়া হচ্ছে তার সংস্করে অনেক সংশোধন করা হচ্ছে এবং সেই আইনগুলি ধারে আস্তে আস্তে আরও ভাল হয় তার জন্য টেটা হচ্ছে । কিন্তু আসল যে ঘটনা ঘটছে—সে সংস্করে আমি মাননীয় মুখ্যমন্ত্রী মহাশয়ের দৃষ্টি আকর্ষণ করছি ।

বেধানে কল-কারখানা বসান হয়েছে ক্ষেত্র জমি বিয়ে, অর্থ অর্থাত্তাবের জন্য বেধানে চাষের জমি বেঁচি সরকার, মেখানে চাষের জমিতে কল-কারখানা বসান হয়েছে । বাগান অনেক নষ্ট করে

সেখানে লোকদের বক্ষিত করা হয়েছে ; এই বক্তব্য ভাবে বহু জমি সংগ্রহ করা হয়েছে—সেই সবের দিকে আমি মাননীয় মুখ্যমন্ত্রী মহাশয়ের বিশেষ দৃষ্টি আকর্ষণ করি।

আর বিভীষ কথা কল্পনাদেশন মধ্যস্থভৌগীদের বে কবে দেবেন সে সবকে একটা নির্দেশ দিন। কারণ আজকে কল্পনাদেশন দিতে দেরী হওয়ার মানে হচ্ছে প্রায় না দেওয়ার সমিল। কারণ অনেক গৱীব লোক আছে, যারা খেতে পাচ্ছে না তাদের একমাত্র মধ্যস্থ ছিল জমি, সেই জমি আজকে সরকার গ্রহণ করেছেন অর্থ তাদের ক্ষতিপূরণ তাও পাচ্ছে না। আমি আপনার মাধ্যমে মাননীয় মন্ত্রী মহাশয়ের দৃষ্টি বিশেষভাবে এদিকে আকর্ষণ করছি।

The Hon'ble Dr. Bidhan Chandra Roy : Sir, I have listened to Shri Rasul when he was speaking on his motion for circulation. Sir, as I have pointed out before, this is admittedly not a comprehensive amendment of the Estates Acquisition Act itself. There are many points in the Estates Acquisition Act which require further consideration. The question is, as you will see, that this Ordinance was passed in June. The Government was very keen that as soon as possible the compensation roll should be prepared. Sir, this Act has got two facets—one facet is acquisition and the other is payment of compensation. With regard to acquisition, various problems have come up and they require very careful consideration. As I have said before, the Select Committee's findings were withdrawn by the Minister and he promised to go into the matter over again. It is possible that I may also like to take part in that because the original Act was piloted by me in the House.

Sir, with regard to the points that have been raised by Mr. Rasul, he wanted to know what is meant by a 'Corporation', I may point out that it is given in the Act itself, viz., "a Corporation which is established by or under any law for the time being in force." The Electric Supply Corporation is a Corporation established by an Act of the Central Government; the Transport Corporation is a Corporation established by an Act of the State Government; the West Bengal Development Corporation was established by an Act which was passed by this Legislature; the Damodar Valley Corporation was a Corporation created by an Act of the Central Government. These are the Corporations which we are thinking of at the present moment. With regard to the other point that has been raised by him, I am afraid he has not followed the Act itself. With regard to section 4 of the Bill, I may say that it is only to clear up a misunderstanding about the meaning of the words 'let out' in the original Act that this provision has been introduced. He naturally thinks that the problems regarding land should be decided as quickly as possible. I agree with him. But by postponing this and asking for circulating the Bill for eliciting opinion, you not only hold up the question of settlement of land problems but also hold up the question of payment of compensation which is not desirable everybody will admit that. Therefore, this is only a localised proposal for a particular purpose. With these words, I oppose the motion for circulation.

The motion of Shri Abdullah Rasul that the Bill be circulated for the purpose of eliciting opinion thereon by the 15th of September, 1960, was then put and lost.

The motion of the Hon'ble Dr. Bidhan Chandra Roy that the West Bengal Estates Acquisition (Amendment) Bill, 1960, as passed by the Assembly, be taken into consideration, was then put and agreed to.

Mr. Chairman : The amendment for the new clause 1A has not been moved and so that need not come in. I will therefore put the clauses now.

Clauses 1 to 23

The question that clauses 1 to 23 do stand part of the Bill was then put and agreed to.

Preamble

The question that the preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Dr. Bidhan Chandra Roy : Sir, I beg to move that the West Bengal Estates Acquisition (Amendment) Bill, 1960, as settled in the Council, be passed.

The motion was then put and agreed to.

[11-30—11-40 a.m.]

Mr. Chairman : There were several adjournment motions, but as we did not contemplate having another session of the House they ought to have been placed before the house. I do not allow them, but there is one motion of Shri Nirmal Bhattacharyya which he may read. Next we have the other Bill.

Adjournment Motions

Shri Nirmal Chandra Bhattacharyya : Sir, my motion runs thus :

That the proceedings of the Council do now stand adjourned to discuss a matter of urgent public importance, viz. "The victimisation, in violation of the declaration of the Government of India that none would be victimised for the simple reason that he had gone on strike, of as many as 8,256 of the Central Government employees who had gone on strike, thereby endangering the means of subsistence of more than 40,000 inhabitants of this State and aggravating the difficult unemployment situation therein".

The Hon'ble Dr. Bidhan Chandra Roy : As Professor Bhattacharyya knows,—I am just giving an explanation—in large number of cases I have

tried to see that there is no victimisation, but this is really not our province. It is a Central province. I have already sent the last series of names to the Special Officer which Professor Bhattacharyya sent. If he gives me the other names I can assure him that I will make enquiries although it is not our province.

Shri Nirmal Chandra Bhattacharyya : We are all grateful for that.

Shri Nagendra Kumar Bhattacharyya : Sir, my motion runs thus :

This Council do adjourn its business to discuss a definite matter of urgent public importance, viz.—“Questions arising out of the daily influx of Bengalee refugees in West Bengal from the province of Assam where their houses were burnt, properties looted and relations murdered on account of inaction and indifference on the part of the Assam Government and the Government of India”.

Dr. Monindra Mohan Chakrabarty : Sir, my motion runs thus :

That this Council do adjourn to discuss a matter of urgent public importance and of recent occurrence, viz., “The situation caused by the influx of a large number of Bengali residents of Assam in North Bengal and Calcutta and the failure of the State Government to give them adequate relief.”

Legislation

The West Bengal Alienation of Land (Regulation) Bill, 1960

The Hon'ble Dr. Bidhan Chandra Roy : Sir, I beg to move that the West Bengal Alienation of Land (Regulation) Bill, 1960, as passed by the Assembly, be taken into consideration.

Sir, this Bill has a particular objective, viz., that there has been from some time large scale transfer of properties taking place in West Bengal, particularly in the border areas. As it is necessary to ensure the security of India it is proper to control such transfers. This Ordinance was passed in order to stop further transfer and the Bill seeks to enact the provisions of the Ordinance.

Sir, I may tell the House that for some time we were rather worried over this question of alienation of land in West Bengal. We referred the matter to the Government of India because it is proper that the External Affairs Ministry of the Government of India should be beholdened of the things that are happening here, and a good deal of correspondence took place. Ultimately they agreed that we should have placed a Bill before the House.

The Bill contains 13 clauses. The more important provisions are contained in clauses 1, 4, 5, 6, 7 and 8. In clause 1, restriction on transfer of land is applied in the first instance, to the district of Darjeeling where the problem is very acute, but powers have been taken to extend the provisions of the Bill to other areas by notification in the Official Gazette.

In clause 4 of the Bill it has been provided that no transfer of land will be permitted without prior sanction of the Government if this is proposed to be made in favour of an individual who is not a citizen of India, or when the alienation is proposed by a body corporate or firm, of which the majority of the directors, shareholders or partners, as the case may be, are not citizens of India, or which is formed and registered outside India.

In clause 5 powers have been retained by the State Government to withhold sanction in certain cases specifically mentioned in the clause. For the purpose of restrictive provision in clause 4, effective provision has been made in clause 6 for vesting in the State of the land transferred in violation of the provision and for delivery of possession of such land and imposition of penalty equivalent to double the consideration for such land. The penalty has been made recoverable under the Public Demands Recovery Act. If the circumstances so justify, the consideration, if any, paid by the transferee may be refunded. Powers have been obtained in clause 7 for the Magistrate or the Commissioner of Police to enforce the delivery to the State Government of possession of land or part thereof in case of refusal to give delivery of possession of such land and refusal or obstruction to the delivery of possession of such land has been made punishable without prejudice to any penalty under any other law for the time being in force with fine which may extend to two thousand rupees.

You will see, therefore, Sir, the character of the Bill is that when the land is taken over by a person who is not a citizen of India or by a body the majority of whose Directors are not citizens of India, the Government will resume the land and all that we are doing is asking the Magistrate or the Commissioner, as the case may be, to get possession of the land. That is all. The whole thing is Government possession and therefore we have not provided for any appeal in such cases. There cannot be any appeal when the Government is undertaking to do some work. I may mention also that in clause 7 we have said if anybody refuses to give delivery of possession he disobeys the order of the Magistrate, a legal competent authority, and therefore he is punishable, I believe, up to two years' imprisonment under the Indian Penal Code. Therefore we have said the penalty will Rs. 2,000 plus any other penalty under any other law for the time being in force.

Clause 8 of the Bill lays down that a land, if it is vested in the State Government, will be disposed of by the State Government according to the rules prescribed by the Government.

Sir, these are the main provisions of the Bill which I place before the House for acceptance.

Shri Nagendra Kumar Bhattacharyya : Mr. Chairman, Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st March, 1961.

Sir, the Bill contains very drastic provisions and the Bill, in my opinion should also contain safeguards so that these provisions may not be abused and it is also necessary that in respect of such an important measure the public opinion should be elicited. I have therefore, Sir, moved this circulation motion for acceptance of this House.

Shri Nirmal Chandra Bhattacharyya : Mr. Chairman, Sir, it is regrettable that very often it is found that the Government of West Bengal do wake up a little too late ; the problem assumes a huge proportion and then they proceed to take steps. That represents the story in many places. In Durgapur the Government ought to have anticipated that the lands would not be properly utilised by the persons who would purchase them and there were speculative purchases and the town has almost been reduced to a slum. The bill came up. My objection is that a bill regarding Durgapur ought to have come much earlier. Government ought to have anticipated the difficulties of the situation.

[11-40—11-50 a.m.]

My objection here to the Bill is that why did not Government anticipate the problem and why did the Government permit the problem to assume very huge proportion. In the second place, in the Statement of Objects and Reasons the Hon'ble Minister—in-charge of the Bill has said that there had been large scale transfer of properties. When the Chief Minister was speaking on the Bill I thought that he would give us the size of the problem, that is to say he would state how much land, or what nature of land has been transferred to foreigners or to companies, the majority of whose directors are not the citizens of India. In the absence of that it becomes difficult for us to make up our mind and that is my objection. I hope, Sir, that the Chief Minister will give us some facts as to the size of the problem, because much will depend upon the facts that we receive from him.

With these words I move the amendment standing in my name. I beg to move that the Bill be circulated for elicitation of opinion thereon by the 15th September, 1960.

The Hon'ble Dr. Bidhan Chandra Roy : Sir, it is the privilege of every member of the House to move a motion for circulation for public opinion. I would only ask my friends here whether their object will be gained by circulation. They say that the Government have been slow. Assuming it was so, how do you improve matters by circulating it for public opinion ? I do not know if I am allowed by the Central Government to say something about information regarding this even to the Members of the Council, but I can say this that there have been several instances where we had intervened when there were allegations regarding the property, particularly in the Kalimpong area and areas surrounding it. I do not think it would be in the public interest to mention all this here, because after all it is a delicate matter, but I can assure you that we did not delay the matter. Of course, we had been during the last few years making correspondence since we found things were happening in the border of India in Tibet area. We had been placing various propositions before the Central Government, External Affairs Ministry. I have

nothing more to say at the present moment, because I have not got all the facts before me, but the fact remains that the situation has arisen when we must see that no alienation takes place. One point has been made about the majority of the Directors being non-citizens, etc., etc., I want to say that we have got to remember also the situation we are in. We are a developing country and in many cases we are developing industries in partnership with foreign countries all over the world, Russia, Czechoslovakia, United States, United Kingdom, West Germany and so on. Most of those who have joined us in this venture are not citizens of India. Therefore, technically speaking they cannot have any alienation of land given to them unless the majority of members are citizens of India. That is how this matter has been placed before the House. I have nothing very much more to do.

I oppose the motion for circulation. It is a very emergent measure.

The motion of Shri Nagendra Kumar Bhattacharyya that the West Bengal Alienation of Land (Regulation) Bill, 1960, as passed by the Assembly, be circulated for the purpose of eliciting opinion there, by the 31st March, 1961 was then put and lost.

(The other motions fell through.)

The motion of the Hon'ble Dr. Bidhan Chandra Roy that the West Bengal Alienation of Land (Regulation) Bill, 1960, as passed by the Assembly, be taken into consideration, was then put and agreed to.

Clauses 1 & 2.

The question that clauses 1 and 2 do stand part of the Bill was then put and agreed to.

Clauses 3 & 4.

Shri Nirmal Chandra Bhattacharyya : I beg to move that to clause 3 the following proviso be added, namely :—

“Provided that any alienation of land effected before the 20th June, 1960 in favour of any person defined in section 4(1) and section 4(2) shall be dealt with in accordance with the provisions of this Act.”

Sir, the purpose of my amendment is to give the Bill a retrospective effect. We have been told that there has been large scale transference of property from Indian hands to the hands of foreigners who are obviously not the citizens of India. This may lead to difficulty. Supposing a war breaks out between a foreign state and our state then those territories may be used as a sort of base of operation against us. It is for this reason that the Bill should be given retrospective effect. The statement of objects

and reasons contains the following "From some time large scale transfer of properties is taking place in West Bengal, particularly in the border region." Now, the border region must be protected and if designing individuals have taken possession of large tracts of lands or tea gardens then those may be used as a sort of base of operation against us. Therefore it is desirable that by this Bill we should be able to acquire those lands. Sir, I fail to understand why no power has been given to the Government to acquire the properties which have already passed on to the hands of the foreigners and that is why I move my amendment.

The Hon'ble Dr. Bidhan Chandra Roy : Sir, there is provision to take over the land in the circumstances mentioned by Shri Bhattacharyya in certain manner. Ordinarily, I understand that no law regarding land can be made with retrospective effect. I oppose the amendment.

The motion of Shri Nirmal Chandra Bhattacharyya that in clause 3 the following proviso be added, namely :—

"Provided that any alienation of land effected before the 20th June, 1960 in favour of any person defined in section 4(1) and section 4(2) shall be dealt with in accordance with the provisions of this Act."

was then put and lost.

The question that clauses 3 and 4 do stand part of the Bill was then put and agreed to.

Clause 5.

Shri Nagendra Kumar Bhattacharyya : I beg to move that the following proviso be added to clause 5, namely :—

"Provided that an appeal shall lie to the High Court against an order withholding sanction."

Sir, clause 5 deals with the question of withholding sanction. Sir, sanction may be withheld in proper cases and may be withheld in cases where sanction ought to be given. There is no remedy given to the applicant for the sanction under which sanction is withheld by the State Government. So, I beg to submit that the remedy by way of appeal should be given to the Hon'ble High Court. With these words, Sir, I move my amendment.

The Hon'ble Dr. Bidhan Chandra Roy : Sir, Government wants to have some power as regards alienation and the part of the policy is to withhold sanction under certain condition. The State Government, may declare a particular person unsuitable to hold land. There are ample provisions in the Constitution for the affected persons to get the remedy. He need not go to the High Court. Sir, I oppose the amendment.

The motion of Shri Nagendra Kumar Bhattacharyya that the following proviso be added to clause 5, namely :—

“Provided that an appeal shall be to the High Court against an order withholding sanction.”

was then put and lost.

The question that clause 5 do stand part of the Bill was then put and agreed to.

[11-50—11-56 a.m.]

Clause 6

Shri Nagendra Kumar Bhattacharyya : Sir, I beg to move that the following proviso be added to clause 6(2), namely :—

“Provided that an appeal shall lie to the District Judge against an order passed by the Collector under this Clause.”

Sir, clause 6(2) (b) says that a penalty may be imposed upon the transferor which may amount to double the consideration for which such land was alienated and under clause sub-clause (c) we find that the Collector may order refund of the money in certain cases. Sir, in these matters, the decision of the Collector should not be final, but an opportunity for appeal should be given to the aggrieved party. So, I have moved my amendment.

The Hon'ble Dr. Bidhan Chandra Roy : Sir, my answer will be the same as I gave just now with regard to clause 5. The whole thing is done by the State Government and the Collector is only acting under the direction of the Government. If the Collector has done something wrong or the Government has done something wrong, there is plenty of opportunity for appeals to be made to the higher courts. I oppose the amendment.

The motion of Shri Nagendra Kumar Bhattacharyya that the following proviso be added to clause 6(2), namely :—

“Provided that an appeal shall lie to the District Judge against an order passed by the Collector under this Clause.”

was then put and lost.

The question that clause 6 do stand part of the Bill was then put and agreed to.

Clauses 7 and 8

The question that clauses 7 and 8 do stand part of the Bill was then put and agreed to.

Clause 9

Shri Nagendra Kumar Bhattacharyya : Sir, I beg to move that in clause 9, in line 5, after the words "subordinate to it" the words "not below the rank of a Collector of a District" be added.

Sir, as clause 9 stands, the power could be given by the State Government to any officer whatsoever. Sir, the power should, in my opinion, be given to a responsible officer of a particular rank. So, I have, by this amendment, suggested that powers under clause 9 should not be given to an officer below the rank of a Collector of a district.

The Hon'ble Dr. Bidhan Chandra Roy : Sir, I again say the same thing. If it is suggested that the Legislature should indicate to the State Government as to what it must do under particular circumstances, this would be interfering with the executive. If the State Government were to select an officer subordinate to it who is not capable or who is not suitable, there is, I say, opportunity for appeals. So, I oppose this amendment.

The motion of Shri Nagendra Kumar Bhattacharyya that in clause 9, in line 5, after the words "subordinate to it" the words "not below the rank of a Collector of a District" be added was then put and lost.

The question that clause 9 do stand part of the Bill was then put and agreed to.

Clauses 10 and 11

The question that clauses 10 and 11 do stand part of the Bill was then put and agreed to.

Clause 12

Shri Nagendra Kumar Bhattacharyya : Sir, I beg to move that after clause 12(2) the following be added, namely :—

"(3) Such rules should be published in the Official Gazette and be placed before the Legislature which shall have powers to modify or alter the same."

Sir, it has been the practice of the State of West Bengal to say that they would not publish the rules in the Gazette and they would not place them before the Legislature so that those rules may be modified or altered by the same. This is a privilege which is elsewhere given to the Legislature and this is a privilege which was used to be given to the Legislature in West Bengal, but this privilege is being denied in recent times and, as I said before, as long as I shall be here, I will press for this privilege being restored to the Legislature.

Sir, with these words, I move my amendment.

The Hon'ble Dr. Bidhan Chandra Roy : Sir, I hope my friend Shri Nagendra Kumar Bhattacharyya will be here for a century, it does not matter, but I may tell him that in the new rules that are coming before

the Legislature, we have provided for this laying down because there has been a great deal of discussion on this point as to whether they should be placed before the Legislature or they should not be placed. So, when the new rules come into force, I hope Mr. Bhattacharyya will be here and there will be no difficulty for him in getting what he wants.

Sir, I oppose this amendment.

The motion of Shri Nagendra Kumar Bhattacharyya that after clause 12(2) the following be added, namely :—

"(3) Such rules should be published in the Official Gazette and be placed before the Legislature which shall have powers to modify or alter the same",
was then put and lost.

The question that clause 12 do stand part of the Bill was then put and agreed to.

Clause 13

The question that clause 13 do stand part of the Bill was then put and agreed to.

Preamble

The question that the preamble do stand part of the Bill was then put and agreed to.

The Hon'ble Dr. Bidhan Chandra Roy : I move that the West Bengal Alienation of Land (Regulation) Bill, 1960, as settled in the Council, be passed.

The motion was then put and agreed to.

Adjournment

The Council was then adjourned **sine die** at 11-56 a.m.

Members absent

Abdul Halim, Shri
 Banerjee, Dr. Sambhu Nath
 Bhuwalka, Shri Ram Kumar
 Ghosh, Shri Kali Charan

Haldar, Shri Gopal Chandra
 Moitra, Shri Dharendra Nath
 Prasad, Shri R. S.
 Sen, Shri Jimut Bahal

Note—The Council was subsequently prorogued with effect from the 7th September, 1960, under the Notification No. 2261 A. R., dated the 6th September, 1960, published in an Extraordinary issue of the "Calcutta Gazette" of even date.

